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The Honorable Kenneth M. Karas
United States District Court
300 Quarropas Street
White Plains, New York 10601-4150

Re: United States ex. rel. Cutler v. Cigna Corp. et al., No. 17-cv-5715 (KMK)
Request for Pre-Motion Conference for Defendants' Motion to Stay

Dear Judge Karas,

Relator writes in opposition to Defendants' letter motion to the Court seeking to stay these proceedings pending the resolution of Defendants' motion to transfer venue pursuant to 28 U.S.C. § 1404(a). Defendants argue that if a stay is not imposed they "will be impacted" by having to respond to the complaint while the Court is considering the transfer. Defendants fail to explain what they mean by "impacted" and how this in any way precludes them from filing a timely response.

To the extent Defendants are arguing that they have insufficient time to respond to the complaint due to the time spent preparing the motion to transfer, this does not show good cause for granting a stay. Defendants voluntarily chose to move to transfer before responding to the complaint even though they did not need to do so. Unlike a Rule 12(b)(3) motion which must be brought prior to filing an answer, there is no deadline for filing a motion to transfer under 28 U.S.C. § 1404(a). *See McGuire v. Waste Management, Inc.*, 2011 WL 692203 (D.S.C. Feb. 18, 2011)(holding that motion not deemed to be waived if not raised in initial response). Defendants could have waited until after the filing their response before moving to transfer. This case should not be delayed because of time constraints that Defendants imposed on themselves.

Because there is no basis for the Court to stay these proceedings, Defendants' motion should be denied.

Respectfully Submitted,

/s/ Robert A. Cutler