

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA
ex rel. ROBERT A. CUTLER,

Plaintiff,

v.

THE CIGNA GROUP *et al.*,
Defendants.

Case No. 3:21-cv-00748

District Judge Eli J. Richardson

Magistrate Judge Jeffrey S. Frensley

JURY DEMAND

JOINT REPORT ON THE STATUS OF DISCOVERY

Pursuant to the Court's Initial Case Management Order (Doc. No. 229), the United States of America, Relator, and Defendants submit this joint report on the status of discovery. The parties served initial discovery requests on July 14, 2023, and given the volume and scope of those requests, agreed to serve their responses and objections to those requests by September 15, 2023. The parties have also had ongoing conversations regarding the parameters for handling ESI and are scheduling a call for the week of September 4, 2023, to continue those conversations.

The parties intend to work collaboratively to resolve any issues that arise in the course of discovery and will endeavor to resolve any related disagreements without the Court's involvement. At this time, the parties do not have any disputes to raise concerning discovery, but will bring any disputes that cannot be resolved after good faith discussions promptly to the Court's attention.

Date: September 1, 2023

Respectfully submitted,

/s/ David W. Ogden

David W. Ogden (*pro hac vice*)
Howard M. Shapiro (*pro hac vice*)
Charles C. Speth (*pro hac vice*)
Kevin M. Lamb (*pro hac vice*)
WILMER CUTLER PICKERING
HALE & DORR LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
Telephone: (202) 663-6440

Thomas K. Potter, III (TN Bar No. 024857)
J. Alex Little (TN Bar No. 029858)
BURR & FORMAN LLP
222 Second Avenue South, Suite 2000
Nashville, TN 37201

Counsel for Defendants

HENRY C. LEVENTIS
United States Attorney for the
Middle District of Tennessee

/s/ Ellen Bowden McIntyre

Ellen Bowden McIntyre, BPR #023133
Assistant United States Attorney
719 Church Street, Suite 3300
Nashville, Tennessee 37203
Tel.: (615) 736-5151
Ellen.bowden2@usdoj.gov

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

/s/ Samuel Dolinger

JEAN-DAVID BARNEA (*pro hac vice*)
PETER ARONOFF (*pro hac vice*)
SAMUEL DOLINGER (*pro hac vice*)
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2679/2697/2677
jean-david.barnea@usdoj.gov

peter.aronoff@usdoj.gov
samuel.dolinger@usdoj.gov

Counsel for the United States of America

/s/ Tara L. Swafford

Tara L. Swafford
W. Lee Maddux
Elizabeth G. Hart
321 Billingsly Court, Suite 19
Franklin, TN 37067
Tel.: (615) 599-8406
tara@swaffordlawfirm.com
lee@swaffordlawfirm.com
betsy@swaffordlawfirm.com

Counsel for Relator

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2023, I electronically filed the foregoing document with the Clerk of Court using this Court's CM/ECF system, which will send a Notice of

Electronic Filing to the following:

Robert A. Cutler
Law Office of Robert A. Cutler
100 Patrick Road
Westport, CT 06880
Email: robertcutleresq@gmail.com

Peter Max Aronoff
Jean-David Barnea
Samuel Dolinger
United States Attorney's Office
Southern District of New York
86 Chambers Street
New York, NY 10007
Email: peter.aronoff@usdoj.gov
Email: jean-david.barnea@usdoj.gov
Email: samuel.dolinger@usdoj.gov

Ellen Bowden McIntyre
United States Attorney's Office
Middle District of Tennessee
719 Church Street, Suite 3300
Nashville, TN 37203
Email: ellen.bowden2@usdoj.gov

Tara L. Swafford
W. Lee Maddux
Elizabeth G. Hart
The Swafford Law Firm, PLLC
321 Billingsly Court, Suite 19
Franklin, TN 37067
Email: tara@swaffordlawfirm.com
Email: lee@swaffordlawfirm.com
Email: betsy@swaffordlawfirm.com

/s/ David W. Ogden

David W. Ogden