

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

DEBRA ANN LIVINGSTON
CHIEF JUDGE

Date: March 15, 2022
Docket #: 22-530
Short Title: United States of America ex re v. Evicore
Healthcare MSI, LLC.

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

DC Docket #: 19-cv-2501
DC Court: SDNY (NEW YORK
CITY)
DC Judge: Marrero

DOCKETING NOTICE

A notice of appeal filed by Jane Doe 1, Jane Doe 2, SW Challenger, LLC in the above referenced case was docketed today as 22-530. This number must appear on all documents related to this case that are filed in this Court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

YOUR CORRECT CONTACT INFORMATION: Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

CHANGE IN CONTACT INFORMATION: An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in CM/ECF must notify the Court of a change to the user's mailing address, business address, telephone number, or e-mail. To update contact information, a Filing User must access PACER's Manage

My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

CAPTION: In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether appellant is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8551.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, *et al.*,
ex rel. SW CHALLENGER, LLC, JANE DOE 1,
and JANE DOE 2,

Plaintiffs,

v.

EVICORE HEALTHCARE MSI, LLC,

Defendant.

NOTICE OF APPEAL

No. 19 Civ. 2501 (VM)

Notice is hereby given that SW Challenger, LLC; Jane Doe 1; and Jane Doe 2, plaintiffs in the above-captioned case, hereby appeal to the United States Court of Appeals for the Second Circuit from the final judgment entered in this action on February 10, 2022 (ECF No. 49), dismissing the Second Amended Complaint (ECF No. 15) in accordance with the Decision and Order entered on August 13, 2021 (ECF No. 44) and the Order entered on February 8, 2021 (ECF No. 48).

Dated this 14th day of March, 2022

SEEGER WEISS LLP
By: /s/ Stephen A. Weiss
55 Challenger Rd, 6th Floor
Ridgefield Park, N.J. 07660
Telephone: (973) 639-9100
sweiss@seegerweiss.com
Attorneys for Plaintiffs

STONE & MAGNANINI LLP
By: /s/ David S. Stone
David S. Stone
400 Connell Drive, Suite 6200
Berkeley Heights, NJ 07922
Telephone: (973) 218-1111
dstone@stonenaglaw.com

CERTIFICATE OF SERVICE

I do hereby certify that, on March 14, 2022, a true and correct copy of the foregoing was electronically filed with the Clerk of Court and served on all counsel of record through the Court's CM/ECF system.

/s/ Stephen A. Weiss
Stephen A. Weiss

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-02501-VM**

United States of America ex rel SW Challenger, LLC. v. Evicore
Healthcare MSI, LLC.
Assigned to: Judge Victor Marrero
Cause: 31:3729 False Claims Act

Date Filed: 03/20/2019
Date Terminated: 02/10/2022
Jury Demand: Plaintiff
Nature of Suit: 375 Other Statutes: False
Claims Act
Jurisdiction: U.S. Government Plaintiff

Plaintiff

ABC

TERMINATED: 06/10/2020

Plaintiff

United States Of America
ex rel. SW CHALLENGER, LLC

represented by **David S. Stone**
Stone & Magnanini LLP
100 Connell Drive, Suite 2200
Berkeley Heights, NJ 07922
(973)-218-1111
Email: dstone@stonemagnalaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Maxwell Haviland Kelly
Seeger Weiss
55 Challenger Road
Ridgefield Park, NJ 07660
212-584-0773
Email: max.h.kelly@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert A. Magnanini
Stone & Magnanini LLP
100 Connell Drive, Suite 2200
Berkeley Heights, NJ 07922
(973) 218-1111
Fax: (973) 218-1106
Email: Rmagnanini@stonemagnalaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen A. Weiss
Seeger Weiss LLP
55 Challenger Road – 6th Floor
Ridgefield Park, NJ 07660
212-584-0700
Fax: 212-584-0799
Email: sweiss@seegerweiss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Li Yu
U.S. Attorney's Office, SDNY (Chambers
Street)
86 Chambers Street
New York, NY 10007
(212) 637-2734
Fax: (212) 637-2686
Email: li.yu@usdoj.gov

ATTORNEY TO BE NOTICED

Plaintiff

Jane Doe 1
TERMINATED: 06/10/2020

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Tennessee

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Florida

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Texas

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of New Jersey

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jane Doe 2
TERMINATED: 06/10/2020

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Illinois

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of North Carolina

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State Of Connecticut

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Louisiana

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of New York

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of New Mexico

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Alaska

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Oklahoma

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Montana

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of California

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Michigan

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

State of Washington

represented by **Stephen A. Weiss**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

SW Challenger, LLC

represented by **SW Challenger, LLC**
PRO SE

V.

Defendant

DEF

TERMINATED: 06/10/2020

Defendant

Evicore Healthcare MSI, LLC.

represented by **Brian Dunphy**
Mintz Levin Cohn Ferris Glovsky &
Popeo, P.C. (MA)
One Financial Center
Boston, MA 02111
(617) 348-1810
Email: bdunphy@mintz.com
ATTORNEY TO BE NOTICED

David Mark Siegal

Mintz Levin Cohn Ferris Glovsky & Popeo
PC
666 Third Avenue
New York, NY 10017

212-935-3000
 Email: dmsiegel@mintz.com
 ATTORNEY TO BE NOTICED

Laurence J Freedman
 Mintz, Levin, Cohn, Ferris, Glovsky and
 Popeo, P.C.
 555 12th Street NW
 Ste 1100
 Washington, DC 20004
 202-434-7300
 Fax: 202-434-7400
 Email: ljfreedman@mintz.com
 ATTORNEY TO BE NOTICED

Nicole E. Henry
 Mintz, Levin, Cohn, Ferris, Glovesky &
 Popeo P.C.
 One Financial Center
 Boston, MA 02111
 617-348-1867
 Fax: 617-542-2241
 Email: nehenny@mintz.com
 ATTORNEY TO BE NOTICED

Defendant

WellCare Health Plans Inc.

Date Filed	#	Docket Text
03/20/2019		Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (rz) (Entered: 03/21/2019)
03/21/2019	1	SEALED DOCUMENT placed in vault.(rz) (Entered: 03/21/2019)
05/21/2019	2	SEALED DOCUMENT placed in vault.(rz) (Entered: 05/21/2019)
12/09/2019	3	SEALED DOCUMENT placed in vault.(rz) (Entered: 12/09/2019)
01/28/2020	4	SEALED DOCUMENT placed in vault.(rz) (Entered: 01/28/2020)
05/21/2020	5	SEALED DOCUMENT placed in vault..(dn) (Entered: 05/21/2020)
06/10/2020	<u>6</u>	ORDER, The Clerk of Court is directed to unseal the above-captioned case. SO ORDERED, (Signed by Judge Victor Marrero on 06/10/2020) (dn) (Entered: 06/11/2020)
06/10/2020	<u>7</u>	FIRST AMENDED COMPLAINT FOR VIOLATIONS OF THE FEDERAL FALSE CLAIMS ACT, 31 U.S.C. § 3729, ET SEQ. against Evicore Healthcare MSI, LLC. with JURY DEMAND. Document filed by United States Of America. (rro) Modified on 6/17/2020 (rro). ***This document was previously filed under seal in envelope #5 and unsealed by docket entry 6.*** (Entered: 06/17/2020)
06/10/2020	<u>36</u>	COMPLAINT against Evicore Healthcare MSI, LLC., WellCare Health Plans Inc.. Document filed by State of North Carolina, State of Louisiana, State of Oklahoma, State of Washington, State of Alaska, United States Of America, State of Illinois, State of Tennessee, State of Michigan, State of California, State of Florida, State of New Mexico, State of New Jersey, State of Montana, State Of Connecticut, State of Texas, State of New York. (***This document previously filed under seal in envelope. no. 1, unsealed by doc. no. 6).(js) (Entered: 02/12/2021)
08/27/2020	<u>8</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Evicore Healthcare MSI, LLC, re: <u>7</u> Amended Complaint,. Document filed by United States Of America..(Stone, David)

		(Entered: 08/27/2020)
08/28/2020	<u>9</u>	ELECTRONIC SUMMONS ISSUED as to Evicore Healthcare MSI, LLC...(sj) (Entered: 08/28/2020)
09/09/2020	<u>10</u>	ENDORSED LETTER: addressed to Judge Victor Marrero from Stephen A. Weiss dated 9/8/2020 re: Accordingly, we are seeking leave of Court for a two week extension on the current September 8, 2020 deadline for service of process. On or before September 22, 2020 (hopefully well before), we intend to file the Motion to Amend the FAC with either a publicly filed or under seal SAC based upon the guidance provided by the Medicaid States. This will avoid the need for the parties to litigate a FAC that is intended to be superseded thus saving both parties and, more importantly, the Court time and expense. ENDORSEMENT: The request for extension is granted. So Ordered. (Service due by 9/22/2020.) (Signed by Judge Victor Marrero on 9/9/2020) (js) (Entered: 09/10/2020)
09/22/2020	<u>11</u>	MOTION to Amend/Correct – <i>Plaintiff's Motion to Further Amend Plaintiff's First Amended Complaint</i> . Document filed by United States Of America..(Weiss, Stephen) (Entered: 09/22/2020)
09/22/2020	<u>12</u>	MEMORANDUM OF LAW in Support re: <u>11</u> MOTION to Amend/Correct – <i>Plaintiff's Motion to Further Amend Plaintiff's First Amended Complaint</i> . . Document filed by United States Of America. (Attachments: # <u>1</u> Exhibit 1).(Weiss, Stephen) (Entered: 09/22/2020)
09/22/2020	<u>13</u>	PROPOSED ORDER. Document filed by United States Of America. Related Document Number: <u>11</u> ..(Weiss, Stephen) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 09/22/2020)
09/22/2020		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. <u>13</u> Proposed Order was reviewed and approved as to form. (km) (Entered: 09/22/2020)
09/23/2020	<u>14</u>	ORDER granting <u>11</u> Motion to Amend/Correct. WHEREAS, Plaintiff (the "Movant") has moved by Notice of Motion supported by Movant's Brief for an order, pursuant to Fed. R. Civ. P. 15(a)(2), granting leave for Plaintiff, SW Challenger, LLC (SW Challenger"), to: 1) Further Amend the First Amended Complaint Upon consideration of Movant's motion and supporting papers, all responsive submissions thereto, and all other materials submitted to the Court, it is hereby: ORDERED, that SW Challenger may: 1) File a Second Amended Complaint. So Ordered. (Signed by Judge Victor Marrero on 9/23/2020) (js) (Entered: 09/23/2020)
09/23/2020	<u>15</u>	SECOND AMENDED COMPLAINT amending <u>7</u> Amended Complaint, against Evicore Healthcare MSI, LLC. with JURY DEMAND.Document filed by United States Of America, Jane Doe 1, State of Tennessee, State of Florida, State of Texas, State of New Jersey, Jane Doe 2, State of Illinois, State of North Carolina, State Of Connecticut, State of Louisiana, State of New York, State of New Mexico, State of Alaska, State of Oklahoma, State of Montana, State of California, State of Michigan, State of Washington. Related document: <u>7</u> Amended Complaint,..(Weiss, Stephen) (Entered: 09/23/2020)
11/12/2020	<u>16</u>	NOTICE OF APPEARANCE by David Mark Siegal on behalf of Evicore Healthcare MSI, LLC...(Siegal, David) (Entered: 11/12/2020)
11/12/2020	<u>17</u>	LETTER addressed to Judge Victor Marrero from David M. Siegal dated November 12, 2020 re: Pre–letter motion. Document filed by Evicore Healthcare MSI, LLC...(Siegal, David) (Entered: 11/12/2020)
11/19/2020	<u>18</u>	LETTER addressed to Judge Victor Marrero from Stephen A. Weiss dated November 19, 2020 re: Response to November 12, 2020 Pre–letter motion. Document filed by ABC, Jane Doe 1, Jane Doe 2, State Of Connecticut, State of Alaska, State of California, State of Florida, State of Illinois, State of Louisiana, State of Michigan, State of Montana, State of New Jersey, State of New Mexico, State of New York, State of North Carolina, State of Oklahoma, State of Tennessee, State of Texas, State of Washington, United States Of America..(Weiss, Stephen) (Entered: 11/19/2020)
11/20/2020	<u>19</u>	LETTER addressed to Judge Victor Marrero from David M. Siegal dated November 20, 2020 re: Counsel writes pursuant to Rule II.B.2 of your Honors Rules to explain

		why, after completion of the procedures contemplated in Rule. Document filed by Evicore Healthcare MSI, LLC...(Siegal, David) (Entered: 11/20/2020)
11/23/2020	<u>20</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent CIGNA Corporation, Corporate Parent Evernorth Health, Inc. for Evicore Healthcare MSI, LLC.. Document filed by Evicore Healthcare MSI, LLC...(Siegal, David) (Entered: 11/23/2020)
11/23/2020	<u>21</u>	MOTION to Dismiss <i>Second Amended Complaint against eviCore</i> . Document filed by Evicore Healthcare MSI, LLC...(Siegal, David) (Entered: 11/23/2020)
11/23/2020	<u>22</u>	MEMORANDUM OF LAW in Support re: <u>21</u> MOTION to Dismiss <i>Second Amended Complaint against eviCore</i> . . Document filed by Evicore Healthcare MSI, LLC...(Siegal, David) (Entered: 11/23/2020)
12/07/2020	<u>23</u>	PROPOSED STIPULATION AND ORDER. Document filed by Jane Doe 1, Jane Doe 2, United States Of America..(Weiss, Stephen) (Entered: 12/07/2020)
12/08/2020	<u>24</u>	ORDER AND STIPULATED MOTION SETTING BRIEFING SCHEDULE: NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED among Relators and Defendant that: 1.Relators shall have until January 22, 2021 to file their Opposition to Defendant's Motion to Dismiss Second Amended Complaint and 2. Defendant shall have until February 12, 2020 to file its Reply brief. IT IS SO ORDERED., (Responses due by 1/22/2021, Replies due by 2/12/2021.) (Signed by Judge Victor Marrero on 12/08/2020) (ama) (Entered: 12/08/2020)
12/11/2020	<u>25</u>	MOTION for Laurence J. Freedman to Appear Pro Hac Vice ANYSDC-22999320 receipt \$200.00 . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Evicore Healthcare MSI, LLC.. (Attachments: # <u>1</u> Declaration of Laurence J. Freedman, # <u>2</u> Exhibit A- Certificated of Good Standing, # <u>3</u> Exhibit B- Certificate of Good Standing, # <u>4</u> Text of Proposed Order).(Freedman, Laurence) Modified on 12/11/2020 (bcu). (Entered: 12/11/2020)
12/11/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>25</u> MOTION for Laurence J. Freedman to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 12/11/2020)
12/11/2020	<u>26</u>	MOTION for Brian P. Dunphy to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-23000236. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Evicore Healthcare MSI, LLC.. (Attachments: # <u>1</u> Declaration of Brian P. Dunphy, # <u>2</u> Exhibit A- Certificated of Good Standing, # <u>3</u> Text of Proposed Order).(Dunphy, Brian) (Entered: 12/11/2020)
12/11/2020	<u>27</u>	MOTION for Nicole E. Henry to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Evicore Healthcare MSI, LLC.. (Attachments: # <u>1</u> Declaration of Nicole E. Henry, # <u>2</u> Exhibit A- Certificated of Good Standing, # <u>3</u> Text of Proposed Order).(Siegal, David)Receipt No. ANYSDC-23000915 \$200 Modified on 12/14/2020 (vba). (Entered: 12/11/2020)
12/14/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>26</u> MOTION for Brian P. Dunphy to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-23000236. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (vba) (Entered: 12/14/2020)
12/14/2020		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>27</u> MOTION for Nicole E. Henry to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (vba) (Entered: 12/14/2020)
12/14/2020	<u>28</u>	ORDER FOR ADMISSION PRO HAC VICE; granting <u>26</u> Motion for Brian P. Dunphy to Appear Pro Hac Vice. So Ordered. (Signed by Judge Victor Marrero on 12/14/2020) (js) (Entered: 12/14/2020)
12/15/2020	<u>29</u>	ORDER FOR ADMISSION PRO HAC VICE; granting <u>27</u> Motion for Nicole E. Henry to Appear Pro Hac Vice. So Ordered. (Signed by Judge Victor Marrero on 12/15/2020) (js) (Entered: 12/15/2020)

12/15/2020	<u>30</u>	NOTICE OF APPEARANCE by Nicole E. Henry on behalf of Evicore Healthcare MSI, LLC...(Henry, Nicole) (Entered: 12/15/2020)
01/22/2021	<u>31</u>	MEMORANDUM OF LAW in Opposition re: <u>21</u> MOTION to Dismiss <i>Second Amended Complaint against eviCore.</i> . Document filed by ABC, Jane Doe 1, Jane Doe 2, State Of Connecticut, State of Alaska, State of California, State of Florida, State of Illinois, State of Louisiana, State of Michigan, State of Montana, State of New Jersey, State of New Mexico, State of New York, State of North Carolina, State of Oklahoma, State of Tennessee, State of Texas, State of Washington, United States Of America...(Weiss, Stephen) (Entered: 01/22/2021)
01/28/2021	<u>32</u>	LETTER addressed to Judge Victor Marrero from Laurence J. Freedman dated January 28, 2021 re: Pre-Motion Letter to Unseal. Document filed by Evicore Healthcare MSI, LLC...(Freedman, Laurence) (Entered: 01/28/2021)
02/04/2021	<u>33</u>	LETTER MOTION for Extension of Time to File <i>a Statement of Interest</i> addressed to Judge Victor Marrero from Li Yu dated 2/4/2021. Document filed by United States Of America...(Yu, Li) (Entered: 02/04/2021)
02/05/2021	<u>34</u>	ORDER granting <u>33</u> Letter Motion for Extension of Time to File. The request at Dkt. No. 33 is granted. The Government may submit a statement of interest by 2/22/21. Defendant's reply is hereby extended to 3/15/21. So Ordered. (Signed by Judge Victor Marrero on 2/5/2021) (js) (Entered: 02/05/2021)
02/05/2021		Set/Reset Deadlines: Replies due by 3/15/2021. (js) (Entered: 02/05/2021)
02/08/2021	<u>35</u>	ORDER: On January 28, 2021, the defendant in the above captioned matter filed an unopposed letter request to unseal the Complaint and "any notice of declination filed by the U.S. Attorney's Office." (See Dkt. No. 32.) The Court hereby GRANTS the request. The Clerk of Court is directed to unseal the Complaint in the above-captioned case (see Dkt. No. 1), and enter the attached declination letter into the public docket. SO ORDERED. (Signed by Judge Victor Marrero on 2/8/2021) (ks) Transmission to Sealed Records Clerk for processing. (Entered: 02/09/2021)
02/15/2021	<u>37</u>	LETTER MOTION for Extension of Time to File <i>Statement of Interest and Reply</i> addressed to Judge Victor Marrero from Li Yu dated 2/15/2021. Document filed by United States Of America...(Yu, Li) (Entered: 02/15/2021)
02/16/2021	<u>38</u>	ORDER: granting <u>37</u> Letter Motion for Extension of Time to File. The request for extension is granted. The Government's deadline to file its statement of interest is extended until March 1, 2021. Defendant's deadline to respond is extended until March 22, 2021. So Ordered. (Signed by Judge Victor Marrero on 2/16/2021) (js) (Entered: 02/16/2021)
02/16/2021		Set/Reset Deadlines: Responses due by 3/22/2021 (js) (Entered: 02/16/2021)
03/01/2021	<u>39</u>	RESPONSE to Motion re: <u>21</u> MOTION to Dismiss <i>Second Amended Complaint against eviCore. Statement of Interest of the United States.</i> Document filed by United States Of America...(Yu, Li) (Entered: 03/01/2021)
03/11/2021	<u>40</u>	LETTER MOTION for Extension of Time <i>for eviCore to file its reply brief in connection with its pending motion to dismiss and its response to the Governments Statement of Interest</i> addressed to Judge Victor Marrero from David M. Siegal dated March 11, 2021., LETTER MOTION for Leave to File Excess Pages <i>EviCore also requests permission to file a combined reply brief and response to the Statement of Interest of up to five additional pages</i> addressed to Judge Victor Marrero from David M. Siegal dated March 11, 2021. Document filed by Evicore Healthcare MSI, LLC...(Siegal, David) (Entered: 03/11/2021)
03/12/2021	<u>41</u>	ORDER granting <u>40</u> Letter Motion for Extension of Time; granting <u>40</u> Letter Motion for Leave to File Excess Pages. The requests are granted. Defendant eviCore is authorized to file a combined memorandum of law of up to 15 pages. The deadline to do s is hereby extended from 3/22/21 to 4/12/21. So Ordered. (Signed by Judge Victor Marrero on 3/12/2021) (js) (Entered: 03/12/2021)
03/12/2021		Set/Reset Deadlines: Responses due by 4/12/2021 Replies due by 4/12/2021. (js) (Entered: 03/12/2021)

04/12/2021	<u>42</u>	REPLY MEMORANDUM OF LAW in Support re: <u>21</u> MOTION to Dismiss <i>Second Amended Complaint against eviCore. and Response to the United States' Statement of Interest [Dkt. No. 39]</i> . Document filed by Evicore Healthcare MSI, LLC...(Siegal, David) (Entered: 04/12/2021)
05/03/2021	<u>43</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>25</u> Motion for Laurence J. Freedman to Appear Pro Hac Vice. (Signed by Judge Victor Marrero on 5/3/2021) (nb) (Entered: 05/03/2021)
08/13/2021	<u>44</u>	DECISION AND ORDER granting <u>21</u> Motion to Dismiss For the reasons set forth above, it is hereby ORDERED that the motion of defendant eviCore Healthcare MSI to dismiss the Second Amended Complaint of plaintiffs United States of America ex rel. SW Challenger, LLC ("Relators") (Dkt. No. 21) is GRANTED and Relators' claims are dismissed without prejudice. So Ordered.. (Signed by Judge Victor Marrero on 8/13/2021) (js) Transmission to Orders and Judgments Clerk for processing. (Entered: 08/16/2021)
01/31/2022	<u>45</u>	ORDER: IT IS HEREBY ORDERED that within seven (7) days, the parties shall provide the Court with an update on the status of this litigation and the contemplation of any further proceedings. In the event no timely response to this Order is submitted, the Court may dismiss the action without further notice for lack of prosecution. SO ORDERED. (Signed by Judge Victor Marrero on 1/31/2022) (js) (Entered: 01/31/2022)
02/07/2022	<u>46</u>	LETTER addressed to Judge Victor Marrero from Stephen Weiss dated 02/07/2022 re: Status Report. Document filed by ABC, Jane Doe 1, Jane Doe 2, State Of Connecticut, State of Alaska, State of California, State of Florida, State of Illinois, State of Louisiana, State of Michigan, State of Montana, State of New Jersey, State of New Mexico, State of New York, State of North Carolina, State of Oklahoma, State of Tennessee, State of Texas, State of Washington, United States Of America..(Weiss, Stephen) (Entered: 02/07/2022)
02/07/2022	<u>47</u>	LETTER addressed to Judge Victor Marrero from David M. Siegal dated February 7, 2022 re: Status Report. Document filed by Evicore Healthcare MSI, LLC...(Siegal, David) (Entered: 02/07/2022)
02/08/2022	<u>48</u>	ORDER re: <u>44</u> Order on Motion to Dismiss. IT IS HEREBY ORDERED, in accordance with the Court's August 13, 2021, Decision and Order (Dkt. No. 44), the Clerk of Court is directed to terminate all pending motions and enter final judgment in favor of eviCore Healthcare MSI, LLC. SO ORDERED. (Signed by Judge Victor Marrero on 2/8/2022) (kv) Transmission to Orders and Judgments Clerk for processing. (Entered: 02/08/2022)
02/10/2022	<u>49</u>	CLERK'S JUDGMENT re: <u>48</u> Order in favor of Evicore Healthcare MSI, LLC. against State Of Connecticut, State of Alaska, State of California, State of Florida, State of Illinois, State of Louisiana, State of Michigan, State of Montana, State of New Jersey, State of New Mexico, State of New York, State of North Carolina, State of Oklahoma, State of Tennessee, State of Texas, State of Washington, United States Of America. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Order dated February 8, 2022, the Court granted defendant eviCore Healthcare MSI, LLC's motion to dismiss the Second Amended Complaint (SAC) from plaintiff relator SW Challenger, LLC, on behalf of the United States and several individual states. The Court granted leave for the Relators to further amend the SAC. On February 7, 2022, Relators notified the Court they do not intend to replead and request final judgment be entered so they may effectuate an appeal. In accordance with the Court's August 13, 2021, Decision and Order, final judgment is entered in favor of eviCore Healthcare MSI, LLC. (Signed by Clerk of Court Ruby Krajick on 2/10/2022) (Attachments: # <u>1</u> Right to Appeal) (km) (Entered: 02/10/2022)
03/14/2022	<u>50</u>	NOTICE OF APPEAL from <u>49</u> Clerk's Judgment,,,,. Document filed by Jane Doe 1, Jane Doe 2, SW Challenger, LLC. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit..(Weiss, Stephen) Modified on 3/14/2022 (nd). (Entered: 03/14/2022)
03/14/2022		Appeal Fee Due: for <u>50</u> Notice of Appeal.\$505.00 Appeal fee due by 3/28/2022..(nd) (Entered: 03/14/2022)

03/14/2022		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>50</u> Notice of Appeal..(nd) (Entered: 03/14/2022)
03/14/2022		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>50</u> Notice of Appeal filed by Jane Doe 1, SW Challenger, LLC, Jane Doe 2 were transmitted to the U.S. Court of Appeals..(nd) (Entered: 03/14/2022)