

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ROWE PLASTIC SURGERY OF NJ
LLC,

Plaintiff,

v.

AETNA LIFE INSURANCE
COMPANY,

Defendant.

Civil Action No.

25-15053 (BRM) (LDW)

ORDER

WHEREAS plaintiff's counsel in this action has filed hundreds of cases in this District seeking to enforce Independent Dispute Resolution awards pursuant to the No Surprises Act ("NSA"), 42 U.S.C. §§ 300gg-111 *et seq.*, against various insurer defendants; and

WHEREAS following issuance of several opinions finding that there is no private right of action under the NSA, plaintiffs began filing amended complaints to assert, in lieu of NSA claims, claims for unjust enrichment and/or ERISA benefits pursuant to 29 U.S.C. § 1132(a)(1)(B); and

WHEREAS by Order dated January 16, 2026, Chief Judge Renée Marie Bumb stayed and administratively terminated all other NSA cases pending the outcome of defendant Aetna Life Insurance Company's Motion to Dismiss this action, which has been designated as the Lead Case; and

WHEREAS the parties appeared for a March 4, 2026 pre-motion conference before the Honorable Brian R. Martinotti, U.S.D.J. concerning defendant's anticipated Motion to Dismiss and determined that the motion will address whether an Independent Dispute Resolution award can be judicially enforced via *any* cause of action, regardless of whether it arises under ERISA or state law; therefore,

IT IS on this day, March 24, 2026, **ORDERED** that:

1. Within fourteen (14) days of the date of this Order, Aetna shall file an omnibus Motion to Dismiss to address the threshold legal issue set forth above.
2. Within thirty (30) days after the filing of Aetna's motion, non-party insurers may file one (1) consolidated amicus brief in further support of Aetna's motion, not to exceed thirty (30) pages, on behalf of all such parties claiming an interest in the legal issues presented in this matter.
3. Within fourteen (14) days after the filing of an amicus brief in further support of Aetna's motion, Plaintiff shall file its opposition to Aetna's motion.
4. Within seven (7) days after the filing of Plaintiff's opposition, Aetna shall file its reply brief in further support of its motion.

s/ Leda Dunn Wettre
Hon. Leda Dunn Wettre
United States Magistrate Judge