

**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 DESIGNATING SUBSTITUTE
LEAD NSA CASE**

EAST COAST PLASTIC SURGERY
PLLC PA,

Plaintiff,

v.

AETNA LIFE INSURANCE
COMPANY,

Defendant.

Civil Action No.

25-15052 (CCC) (CF)

WHEREAS plaintiff’s counsel in the above-captioned actions 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 in *Rowe Plastic Surgery of NJ LLC v. Aetna Life Insurance Company*, Civ. No. 25-15053 (BRM) (“*Rowe*”), which had been designated as the Lead Case; and

WHEREAS the plaintiff in *Rowe* filed a Notice of Voluntary Dismissal on May 7, 2026 (ECF 38) purporting to terminate that action, just two weeks before its opposition to the Motion to Dismiss was due to be filed; and

WHEREAS the Honorable Leda Dunn Wettre, the Magistrate Judge assigned to *Rowe*, held a telephone conference on the record in *Rowe* on May 8, 2026, during which plaintiff’s counsel explained *inter alia* that the *Rowe* plaintiff no longer wishes to pursue the action (ECF 49); and

WHEREAS time is of the essence in deciding the issue of a private right of action as presented in *Rowe*, given that hundreds of cases have been stayed pending the Court’s ruling on the Motion to Dismiss; and

WHEREAS it is the Court’s inherent right to manage its docket and, under Federal Rule of Civil Procedure 1, to ensure judicial and party economy, and the Court finds that such economy is best served by substituting as the Lead Case in place of *Rowe* the substantively identical case of *East Coast Plastic Surgery PLLC PA v. Aetna Life Insurance Company*, Civ. No. 25-15052 (CCC) (CF) (“*East Coast*”). This case asserts the same claims asserted in *Rowe* based upon a nearly identical factual background, which will require only (i) a modestly revised moving brief from Aetna Life Insurance in support of a motion to dismiss *East Coast* and (ii) no substantive changes to the brief filed by *amici curiae* in *Rowe*; therefore,

IT IS on this day, May 19, 2026, **ORDERED** that:

1. No later than **May 29, 2026**, Aetna shall file a revised brief in support of its Motion to Dismiss in the *East Coast* matter. Only the portions of the brief specific to describing the *Rowe* pleading may be revised in the moving brief. All other factual and legal argument may not be revised from the moving brief in *Rowe*.
2. Also no later than **May 29, 2026**, *amici curiae* may refile in the *East Coast* matter their brief in support of Aetna's motion, which shall be identical to the brief previously filed in *Rowe*, except for the caption and any specific references to *Rowe*, which may be changed to *East Coast*.
3. On or before **June 10, 2026**, Plaintiff shall file its opposition to Aetna's motion. This timeframe takes into account the lengthy time period plaintiff's counsel had to prepare opposition in *Rowe* before filing its voluntary dismissal.
4. On or before **June 19, 2026**, Aetna shall file its reply brief in further support of its motion.
5. **There shall be no extensions to this briefing schedule.**
6. The Clerk of Court is directed to reopen the *East Coast* action and reassign it to the Honorable Brian R. Martinotti and Leda Dunn Wettre.

s/ Renée Marie Bumb
Hon. Renée Marie Bumb
Chief, United States District Judge