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14 Radiology Partners, Inc.; Sonoran Radiology, Ltd.

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16 **UNITED STATES DISTRICT COURT**  
17 **DISTRICT OF ARIZONA**  
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20 United Healthcare Services, Inc.;  
UnitedHealthcare Insurance Company;  
21 and UMR, Inc.,

22 Plaintiffs,

23 v.

24 Radiology Partners, Inc.; and Sonoran  
Radiology, Ltd.,

25 Defendants.  
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Case No. 2:25-cv-02862-PHX-GMS

**DEFENDANTS RADIOLOGY  
PARTNERS, INC. AND SONORAN  
RADIOLOGY, LTD.'S MOTION TO  
STRIKE PLAINTIFFS' RESPONSE  
TO DEFENDANTS' NOTICE OF  
SUPPLEMENTAL AUTHORITY**

1 Pursuant to Local Rule 7.2(m) and authority within this District, Defendants  
2 Radiology Partners, Inc. and Sonoran Radiology, Ltd. (collectively, “Defendants”)  
3 respectfully submit this Motion to Strike Plaintiffs’ Response to Defendants’ Notice of  
4 Supplemental Authority (the “Motion”).

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 Defendants filed a Notice of Supplemental Authority on April 17, 2026, seeking to  
7 alert the Court to a recently-decided and relevant holding—*Anthem Blue Cross Life &*  
8 *Health Ins. Co. v. HaloMD LLC*, No. 8:25-cv-01467, 2026 WL 982629 (C.D. Cal. Apr. 9,  
9 2026). *See* ECF No. 36. United filed a response on April 22, 2026. *See* ECF No. 37. By  
10 including unauthorized and improper argument (and, in turn, an improper responsive  
11 filing), United’s response should be stricken.

12 “The purpose of a Notice of Supplemental Authority is to inform the Court of a  
13 newly decided case that is relevant to the dispute before it.” *Myers v. Freed*, 2020 WL  
14 6048327, at \*1 (D. Ariz. Oct. 13, 2020). Defendants merely sought to do just that and  
15 provide “an accurate summary” of *Anthem’s* holding. *Vega v. All My Sons Bus. Dev. LLC*,  
16 583 F. Supp. 3d 1244, 1256-57 (D. Ariz. 2022). What is not allowed, however, is for a  
17 party filing such a notice or for any party filing a responsive pleading to include any  
18 argument because a notice of supplemental authority “is not a venue for submission of  
19 additional argument or factual evidence.” *Myers*, 2020 WL 6048327, at \*1; *see also*  
20 *Nordstrom v. Thornell*, 2025 WL 2821279, at \*1 (D. Ariz. Oct. 3, 2025) (“Respondents  
21 argue that the Notice is improper, however, because it contains extensive argument not  
22 authorized by the Court. The Court agrees.”); *Doe v. Blue Cross Blue Shield of Illinois*,  
23 492 F. Supp. 3d 970, 980 (D. Ariz. 2020) (striking as improper a notice of supplemental  
24 authority that “explain[ed] and argue[d] the case in detail” by applying the holding to the  
25 facts of the case).

26 United has done just that. This is evident from the first sentence of United’s  
27 response: “United respectfully disagrees with Defendants’ supplemental authority . . . and  
28 the Court should decline to follow it.” ECF No. 37 at 2. While that clearly previewed

1 United’s intention to file a response with unauthorized and improper argument, the next  
2 sentence makes it even more clear: “In any event, *HaloMD* is readily distinguishable and  
3 provides no basis for dismissal here.” *Id.* United then spends a page of argument citing  
4 various portions of the complaint and analyzing those allegations in the context of  
5 *Anthem’s* holding, which is impermissible. *Id.* at 2-3. United concludes that the holding  
6 is “inapplicable,” “materially distinguishable,” “does not address the core allegations  
7 presented here,” and “provides no basis for dismissal.” *Id.* at 3.

8 This unauthorized and improper argument and factual application go entirely  
9 beyond the scope of a permissible response (to the extent a response is even warranted in  
10 situations like this where there is a brief, non-argumentative notice of supplemental  
11 authority). Courts in this District grant motions to strike unauthorized and improper  
12 responsive filings in this context. *E.g., Vega*, 583 F. Supp. 3d at 1256-57 (granting motion  
13 to strike where the responsive filing in part “offer[ed] rebuttal argument in response to a  
14 case summary by contrasting the facts of [the noticed authority] with the facts of this case”).  
15 Defendants would be prejudiced by United’s efforts to turn a response to a simple Notice  
16 of Supplemental Authority into new merits-based argument regarding the pending Motion  
17 to Transfer, Stay, or Dismiss Under the First-to-File Rule, or, Alternatively, Dismiss  
18 Pursuant to FRCP 12(b)(6). Defendants would also be prejudiced by having United’s new  
19 arguments remain on the docket without Defendants having an opportunity to respond to  
20 such arguments. Therefore, the Court should strike United’s response.

21 In the alternative, should the Court consider United’s response, Defendants ask for  
22 leave to file a reply of no more than 3 pages to respond to United’s unauthorized and  
23 improper arguments. *See Indus. Park Ctr. LLC v. Great N. Ins. Co.*, 2024 WL 4528469,  
24 at \*1 (D. Ariz. Oct. 18, 2024) (allowing a party “an opportunity to file a sur-reply”);  
25 *Arizona v. Michael D. Lansky L.L.C.*, 2024 WL 3657129, at \*18 (D. Ariz. May 8, 2024)  
26 (“The Court ‘may decline to consider new evidence or arguments raised in reply, and  
27 generally should not consider the new evidence without giving the non-movant an  
28 opportunity to respond.’”) (citation omitted).

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**CONCLUSION**

The Court should therefore grant the Motion, or, in the alternative, permit Defendants to file a reply.

DATED: April 28, 2026

Respectfully submitted,

**KING & SPALDING LLP**

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William Mavity

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies, under penalty of perjury under the laws of the State of Arizona that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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SIGNED AND DATED this 28th day of April 2026.

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By: /s/ Connor R. Brewer  
Connor R. Brewer

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23 Radiology Partners, Inc.; and Sonoran  
24 Radiology, Ltd.,

25 Defendants.

Case No. 2:25-cv-02862-PHX-GMS

**[PROPOSED ORDER] GRANTING  
DEFENDANTS RADIOLOGY  
PARTNERS, INC. AND SONORAN  
RADIOLOGY, LTD.'S MOTION TO  
STRIKE PLAINTIFFS' RESPONSE TO  
DEFENDANTS' NOTICE OF  
SUPPLEMENTAL AUTHORITY**

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1           Upon consideration of Defendants Radiology Partners, Inc. and Sonoran Radiology,  
2 Ltd.’s Motion to Strike Plaintiffs’ Response to Defendants’ Notice of Supplemental Authority  
3 (the “Motion”), any opposition thereto, any reply in support, it is hereby:

4           **ORDERED** that the Motion is GRANTED; and it is further

5           **ORDERED** that Plaintiffs’ Response to Defendants’ Notice of Supplemental Authority  
6 (ECF No. 37) be stricken from the record.

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8 DATED: \_\_\_\_\_, 2026

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11 \_\_\_\_\_  
12 Honorable G. Murray Snow  
13 United States District Judge  
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