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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 REPLY IN
SUPPORT OF THEIR MOTION TO
STRIKE PLAINTIFFS' RESPONSE
TO DEFENDANTS' NOTICE OF
SUPPLEMENTAL AUTHORITY**

1 United’s opposition admits that its response to the notice of supplemental authority
2 was improper and argumentative but tries to justify that approach by taking issue with
3 Defendants’ acknowledgment that the *Anthem* decision was relevant and with a few non-
4 argumentative quotations from that decision. *See* ECF No. 39 at 2. This approach avoids
5 the central premise underlying Defendants’ motion—argument is improper, regardless of
6 the justification, in this context—and confirms the motion (ECF No. 38) should be granted.

7 United’s opposition also ignores the purpose underlying the reason for submitting
8 notices of supplemental authority, *i.e.*, “to inform the Court of a newly decided case *that is*
9 *relevant to the dispute before it.*” *Myers v. Freed*, 2020 WL 6048327, at *1 (D. Ariz. Oct.
10 13, 2020) (emphasis added); *Little v. Grand Canyon Univ.*, 2022 WL 266726, at *3 (D.
11 Ariz. Jan. 28, 2022) (same). That is why, as Defendants’ motion explains, courts almost
12 always take no issue with the approach Defendants took in drafting its notice. *See, e.g.*,
13 *Nordstrom v. Thornell*, 2025 WL 2821279, at *1 (D. Ariz. Oct. 3, 2025) (“A notice of
14 supplemental authority properly contains only citation to and a brief description of a new
15 case, and notice of the claims or arguments to which it is relevant.”). Tellingly, United’s
16 sole attempt to distinguish one of the many cases Defendants pointed to in their motion
17 overlooks the most important part—namely, that the court “d[id] not believe that [the]
18 Notice of Supplemental Authority contain[ed] any argument,” rather it contained “merely
19 an accurate summary of [the] relevant holding.” *Vega v. All My Sons Bus. Dev. LLC*, 583
20 F. Supp. 3d 1244, 1256 (D. Ariz. 2022). The court then made clear, another point absent
21 from United’s summary, that “not even the interests of fairness entitled [the defendant] to
22 offer rebuttal argument in response to a case summary by contrasting the facts of [the
23 relevant holding] with the facts of this case.” *Id.* Here, United has done just that even
24 though it was not “entitled” to offer “rebuttal argument in response.”

25 As United concedes, and evident from the authorities it cites, what is improper is to
26 inject argument into a filing related to noticing supplemental authority. *See* ECF No. 39 at
27 2–3; *Doe v. Blue Cross Blue Shield of Illinois*, 492 F. Supp. 3d 970, 980 (D. Ariz. 2020)
28 (filings related to notices of supplemental authority “is an improper occasion to argue

1 outside the pleadings”). The common thread as to what is and is not allowed in these
2 situations, as is clear from the *Doe* decision that United relies on, is whether there was
3 argument inserted into the filing. United does not dispute that it inserted argument into its
4 response. The assertion that United thought doing so was “necessary” makes no difference.
5 ECF No. 39 at 2–3. Nor does United’s assertion that it thought doing so in a “narrowly
6 tailored” manner carry any weight. *Id.* at 3–4.

7 Further, United’s assertion that “[c]ourts have also permitted and considered
8 responses to notices of supplemental authority *where appropriate*,” *id.* at 4 (emphasis
9 added), is exactly right. Apart from the inherent discretion courts have in determining what
10 to permit or consider, the reality is that it is *inappropriate* to respond to a straightforward
11 notice of supplemental authority with unprovoked argument and factual analysis, as United
12 did here. The cases United cites for that assertion proves Defendants’ point. *E.g.*, *Borteanu*
13 *v. Nikola Corp.*, No. 2:20-cv-01797, Response to Nikola Defendants’ Notice of
14 Supplemental Authority, ECF No. 120 at 2–3 (D. Ariz. July 26, 2022) (using the response
15 to first ask the court to disregard portions of the notice of supplemental authority that were
16 “improperly use[d] to present additional argument,” and only then, in the event the court
17 decided to consider those arguments, did the response include argumentative discussion in
18 the alternative); *Borden v. Hartford Life & Accident Ins. Co.*, No. 2:15-cv-00687, Response
19 to Plaintiffs’ Notice of Supplemental Authority, ECF No. 159 at 1–2 (D. Ariz. Mar. 6,
20 2017) (primary reason for response was to highlight that the notice of supplemental
21 authority was “really a request for judicial notice” and why that was improper).

22 While United uses every opportunity to argue the merits of its case, including once
23 again in its opposition, Defendants will continue to stick to what is appropriate under the
24 circumstances (as it was not appropriate to insert argument in their notice, motion to strike,
25 or this reply) because their pending arguments speak for themselves. The Court should
26 therefore grant the motion (ECF No. 38), or, alternatively, permit Defendants to file a reply.

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DATED: May 14, 2026

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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 14th day of May 2026.

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