



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

MEMO ENDORSED

July 27, 2026

Via ECF

The Honorable Andrew L. Carter
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States of America v. Anthem, Inc.*, No. 20 Civ. 2593 (ALC) (KHP)

Dear Judge Carter:

This Office represents the United States of America (the “Government”), the plaintiff in the above-referenced case. We write to respectfully request a one-week extension of the Government’s time to respond to the objection by defendant Anthem, Inc. (“Anthem”) to certain rulings of the magistrate judge. *See* ECF Nos. 551, 552. We also respectfully request clarification or, if necessary, a page extension for the Government’s response. Anthem consents to these requests but indicated the positions noted below.

Extension request. Under Local Rule 72.1(b)(1), the Government’s response is due by July 30, fourteen days after Anthem’s objection. However, the Government requires some additional time to prepare its response to Anthem’s objection, including time to confer with the Centers for Medicare and Medicaid Services (CMS). We therefore respectfully request that the Government’s time to respond be extended by one week, to August 6.

We asked Anthem’s position on this request. Anthem has informed us that it consents to this requested extension if the Government seeks a corresponding one-week extension of its time to reply, to August 13. The parties have a disagreement about whether a reply is permitted under these circumstances. Below we state each party’s position, including Anthem’s position, which it has asked us to include.

- **Government’s position.** The Government’s reading of the Federal Rules of Civil Procedure and Local Rules is that no reply is permitted on an objection to a non-dispositive order of a magistrate judge. Both Federal Rule of Civil Procedure 72(a) and Local Civil Rule 72.1(b)(1) are silent about a reply. This Court has therefore noted that Rule 72(a) “does not require the Court to permit a party to file a reply in support of an objection.” *Chelsea Hotel Owner LLC v. City of New York*, No. 21 Civ. 03982 (ALC) (RWL), 2025 WL 880530, at *1 (S.D.N.Y. Mar. 21, 2025), *reconsideration denied*, No. 21 Civ. 03982 (ALC) (RWL), 2025 WL 1603918 (S.D.N.Y. June 6, 2025) (quotation marks omitted). Courts in this District have found that there is no right to a reply even on an objection to a *dispositive* order, given the Rules’ similar silence. *See, e.g., United States v. Buff*, No. 19 Civ. 5549 (GBD) (JW), 2023 WL 4447072, at *1 n.1

(S.D.N.Y. July 11, 2023), *aff'd*, No. 23-1070-CV, 2024 WL 4262956 (2d Cir. Sept. 23, 2024). The Government would not consent to a reply here, given that Anthem has already had a chance before the magistrate judge to both express its views and understand the Government's position, and has filed a 25-page opening brief. However, if the Court grants Anthem a reply, the Government would consent to an August 13 date for such a filing.

- Anthem's position.** Anthem, on the other hand, interprets the Court's Individual Practices, specifically Individual Practice 2(B), as allowing reply briefs. *See* Individual Practice 2(B) ("A memorandum of law, in support of or in opposition to **any motion**, is limited to 25 pages and reply briefs should be no longer than 10 pages." (emphasis added)); *see also* Individual Practice 2(A) (referring to "objections to Magistrate Judges' rulings" as a "motion" not requiring a pre-motion conference). Anthem also submits that, while the Local Civil Rules do not expressly state that replies are permitted for objections to a magistrate judge's order, the Rules nevertheless are best read to contemplate reply briefs. Local Civil Rule 72.1, which governs objections, directs that default briefing limits follow Local Civil Rule 6.3, which expressly contemplates replies. Allowing replies for objections is also consistent with other Local Civil Rules, which suggest that replies are contemplated by default. For example, Local Civil Rule 6.1(b) establishes a deadline, "unless otherwise provided," of seven days for any reply brief for "all civil motions" (save an enumerated subset addressed in Local Civil Rule 6.1(a)). This is consistent with caselaw. Anthem believes that the cases referenced by the Government deal with a different Rule of Civil Procedure and do not stand for a general bar against replies for objections in this district. Anthem notes that several courts have allowed replies for objections to a magistrate judge's orders. *See, e.g., Han v. Fin. Supervisory Serv.*, 2018 WL 791353, at *1 n.1 (S.D.N.Y. Feb. 8, 2018) (accepting reply over motion to strike); *Orient Express Container Co. v. Bulb Basics LLC*, 2022 WL 4485214, at *4 (S.D.N.Y. Sept. 27, 2022) (accepting reply brief where judge's individual practices allowed reply briefs by default, and noting that "although reply briefs are not expressly authorized by 28 U.S.C. § 636(b)(1) or Federal Rule of Civil Procedure 72(b)(2)," courts nevertheless have the authority to accept them).

Page limits clarification or extension request. We also respectfully request clarification or, if necessary, an extension of the Government's page limit to 25 pages for its opposition. Anthem has communicated that it reads the Court's individual practices to permit 25-page briefs by default, but in any event consents to this request to the extent necessary. However, the parties have different views about whether an extension request is necessary.

- Government's position.** By default, the form of Anthem's objection and the Government's response are governed by Local Rule 72.1(b)(2), which specifies that the length limitations of Local Civil Rule 6.3 apply. Local Civil Rule 6.3, in turn, specifies a 3500-word limit. The Government is uncertain as to whether the Court's individual practices (specifically, Individual Practice 2.B) provide instead for a 25-page brief under these circumstances. If the length limitation of Local Civil Rule 6.3, as opposed to the 25-page limit, applies, the Government respectfully requests leave to file a 25-page response, given that Anthem's motion was accompanied by a 25-page brief.

- **Anthem's position.** Anthem interprets the Court's Individual Practice 2(B) as providing a default page limit of 25 pages for "any motion." See Individual Practice 2(B) ("A memorandum of law, in support of or in opposition to any motion, is limited to 25 pages . . ."). The Local Civil Rules further make clear that the Court's Individual Practices control with respect to page limitations for objections to a magistrate judge's order; Local Civil Rule 72.1 directs that, by default, the page limitations of Local Rule 6.3 apply to objections "unless the Court orders otherwise," and Local Rule 6.3 itself states that its limitations apply "[u]nless otherwise provided by the court." And Local Civil Rule 6.3 specifically contemplates that judges may set page limits of greater length than the Rule itself provides.

We thank the Court for its consideration of these requests.

Respectfully submitted,

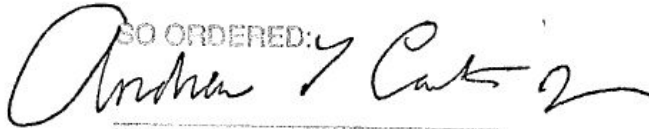
JAY CLAYTON
United States Attorney

The Government's letter motion is GRANTED. The Government may have until August 6, 2026 to file its opposition which is permitted to be up to 25 pages. Plaintiff is permitted to file a reply brief by August 13, 2026. The Clerk of Court is respectfully directed to terminate the pending motion at ECF No. 556.

By: /s/ Peter Aronoff
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cc: Anthem's Counsel (Via ECF)

July 27, 2026

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE