



O'Melveny & Myers LLP
1625 Eye Street, NW
Washington, DC 20006-4061

T: +1 202 383 5300
F: +1 202 383 5414
omm.com

K. Lee Blalack II
D: +1 202 383 5374
lblalack@omm.com

April 20, 2026

VIA ELECTRONIC DELIVERY AND COURT FILING

The Honorable Katharine H. Parker
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 750
New York, New York 10007

Re: United States v. Anthem, Inc., 1:20-cv-02593-ALC-KHP

Dear Judge Parker:

We represent Defendant Anthem, Inc. (“Anthem”) in the above-referenced action. We write to update the Court regarding the parties’ pending discovery dispute related to Anthem’s request for leave to serve a single Request for Production (“RFP”) that accompanies four interrogatories that Anthem served on April 3, 2026 related to Risk Adjustment Data Validation (“RADV”) audits by the Centers for Medicare and Medicaid Services (“CMS”) and a compliance audit by the Office of Inspector General for the U.S. Department of Health and Human Services (“HHS-OIG”) of medical records for Anthem Medicare Advantage beneficiaries (“Government Audits”). (See Dkt. 470, 476).

The parties have discussed a potential compromise that would resolve the pending dispute through a proposed Stipulation, which is enclosed herein as Exhibit A. According to Anthem’s proposed Stipulation, Anthem will agree to withdraw the four interrogatories and the request for permission to serve the RFP if Plaintiff will stipulate to the number of diagnosis codes on Plaintiff’s various lists of allegedly false diagnosis codes that were part of the Government Audits and the number of such codes that were validated during the Government Audits.

Today, the parties met and conferred regarding the proposed Stipulation. Anthem will be prepared to discuss the proposed Stipulation at the conference. Plaintiff objects to the proposed Stipulation and the filing of the proposed Stipulation with this letter.



Dated: April 20, 2026

Respectfully submitted,

By: /s/ K. Lee Blalack, II

K. LEE BLALACK, II, *Pro Hac Vice*
ANWAR GRAVES, *Pro Hac Vice*
WILLIAM BUFFALOE, *Pro Hac Vice*
BRIAN DAVID BOYLE
BENJAMIN D. SINGER
RAHUL KOHLI, *Pro Hac Vice*
O'MELVENY & MYERS LLP
1625 Eye Street, N.W.
Washington, D.C. 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414
lblalack@omm.com
agraves@omm.com
wbuffaloe@omm.com
bboyle@omm.com
bsinger@omm.com
rkohli@omm.com

JAMES A. BOWMAN, *Pro Hac Vice*
ADAM LEVINE, *Pro Hac Vice*
HANNAH E. DUNHAM, *Pro Hac Vice*
SHELBY A. CUMMINGS, *Pro Hac Vice*
O'MELVENY & MYERS LLP
400 South Hope Street, 18th Floor
Los Angeles, California 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
jbowman@omm.com
alevine@omm.com
hdunham@omm.com
scummings@omm.com

DAVID DEATON, *Pro Hac Vice*
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, California 94111
Telephone: (949) 823-6900
Facsimile: (949) 823-6994
ddeaton@omm.com



CHRISTOPHER P. BURKE, *Pro Hac Vice*
O'MELVENY & MYERS LLP
1301 Avenue of the Americas, Suite 1700
New York, New York 10019
Telephone: (212) 326-2000
Facsimile: (212) 326-2061
cburke@omm.com

JOHN MARTIN, *Pro Hac Vice*
HEYWARD BONYATA, *Pro Hac Vice*
NELSON MULLINS RILEY & SCARBOROUGH LLP
1320 Main Street, 17th Floor
Columbia, South Carolina 29201
Telephone: (803) 255-9655
john.martin@nelsonmullins.com
heyward.bonyata@nelsonmullins.com

Attorneys for Defendant Anthem, Inc.

cc: Assistant United States Attorney Rebecca Sol Tinio, Esq.
Assistant United States Attorney Peter M. Aronoff, Esq.
Assistant United States Attorney Charles S. Jacob, Esq.
Assistant United States Attorney Adam M. Gitlin, Esq.
Assistant United States Attorney Dana Walsh Kumar, Esq.
Assistant United States Attorney Rachael L. Doud, Esq.
Assistant United States Attorney Pierre Armand, Esq.
Trial Attorney Martha Glover, Esq.

Exhibit A

DRAFT (4/18/26)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHEM, INC.,

Defendant.

Case No. 1:20-cv-02593-AL (KHP)

STIPULATION

Anthem, Inc. (“Anthem” or “Defendant”) and the United States of America (the “United States” or “Plaintiff”) (collectively, “the Parties”) hereby recite and stipulate as follows:

WHEREAS, Plaintiff the United States has brought this civil fraud action against Defendant Anthem, pursuant to the False Claims Act, 31 U.S.C. § 3729 *et seq.*;

WHEREAS, on July 24, 2024, the Court ordered that “[b]y December 30, 2024, the Plaintiff will provide Defendant with a list of allegedly false diagnosis codes or allegedly false claims for payment or overpayments” (Dkt. 243);

WHEREAS, on May 5, 2025, Plaintiff provided Anthem with its first list of allegedly false diagnosis codes or allegedly false claims for payment or overpayments (“First List”);

WHEREAS, on August 13, 2025, Plaintiff provided Anthem with a revised list of allegedly false diagnosis codes or allegedly false claims for payment or overpayments (“Second List”);

WHEREAS, on December 11, 2025, Plaintiff provided Anthem with a third iteration of a list of allegedly false diagnosis codes or allegedly false claims for payment or overpayments (“Third List”);

DRAFT (4/18/26)

WHEREAS, the Parties agree that a “Diagnosis Code Cluster” is the unique combination of the following data fields from the First List, Second List and/or Third List: member, from DOS, thru DOS, allegedly false diagnosis code, and claim type;

WHEREAS, the Centers for Medicare and Medicaid Services (“CMS”) conducted Risk Adjustment Data Validation (“RADV”) audits of medical records submitted by Anthem relating to risk-adjustment payments that CMS rendered to Anthem for the period spanning dates of service for Anthem Medicare Advantage (“MA”) members from January 1, 2012 through December 31, 2015;

WHEREAS, the Office of Inspector General of the United States Department of Health and Human Services (“HHS-OIG”) conducted a compliance audit of medical records submitted by Anthem relating to risk-adjustment payments that CMS rendered to Anthem for the period spanning dates of service for Anthem MA members from January 1, 2014 through December 31, 2015;

WHEREAS, on April 3, 2026, Anthem served Plaintiff with its First Set of Interrogatories, which included Interrogatory Nos. 1, 2, 3, and 4 seeking discovery related to the CMS RADV and HHS-OIG compliance audits (“Audit-related Interrogatories”);

WHEREAS, on April 14, 2026, Anthem asked the Court for leave to serve a single request for production (“RFP”) requiring Plaintiff to produce documents reflecting its responses to the Audit-related Interrogatories;

WHEREAS, Plaintiff has to date declined to provide Anthem with information or documents in response to Anthem’s Audit-related Interrogatories and the associated RFP;

WHEREAS, the Parties wish to avoid burdening the Court with additional discovery disputes;

NOW THEREFORE, in exchange for Anthem’s withdrawal of its Audit-related Interrogatories and associated RFP, the Parties agree and stipulate as follows:

DRAFT (4/18/26)

1. A combined total of 557 unique Diagnosis Code Clusters identified on Plaintiff's First List were associated with encounters reflected in medical records submitted by Anthem for either a CMS RADV audit or an HHS-OIG compliance audit.
2. Of the 557 unique Diagnosis Code Clusters identified on Plaintiff's First List that were associated with encounters reflected in medical records submitted by Anthem for either a CMS RADV audit or an HHS-OIG compliance audit, 503 of those unique Diagnosis Code Clusters are associated with a Hierarchical Condition Category ("HCC") that was validated by CMS or HHS-OIG as part of the audit.
3. A combined total of 66 unique Diagnosis Code Clusters identified on Plaintiff's Second List were associated with encounters reflected in medical records submitted by Anthem for either a CMS RADV audit or an HHS-OIG compliance audit.
4. Of the 66 unique Diagnosis Code Clusters identified on Plaintiff's Second List that were associated with encounters reflected in medical records submitted by Anthem for either a CMS RADV audit or an HHS-OIG compliance audit, 55 of those unique Diagnosis Code Clusters are associated with an HCC that was validated by CMS or HHS-OIG as part of the audit.
5. A combined total of 22 unique Diagnosis Code Clusters identified on Plaintiff's Third List were associated with encounters reflected in medical records submitted by Anthem for either a CMS RADV audit or an HHS-OIG compliance audit.
6. Of the 22 unique Diagnosis Code Clusters identified on Plaintiff's Third List that were associated with encounters reflected in medical records submitted by Anthem for either a CMS RADV audit or an HHS-OIG compliance audit, 17 of those unique Diagnosis Code Clusters are associated with an HCC that was validated by CMS or HHS-OIG as part of the audit.

IT IS SO STIPULATED.

DRAFT (4/18/26)

Dated: April 18, 2026

Respectfully submitted,

By: /s/ DRAFT

K. LEE BLALACK, II, *Pro Hac Vice*
ANWAR GRAVES, *Pro Hac Vice*
WILLIAM BUFFALOE, *Pro Hac Vice*
BRIAN D. BOYLE, *Pro Hac Vice*
BENJAMIN D. SINGER
RAHUL KOHLI *Pro Hac Vice*
O'MELVENY & MYERS LLP
1625 Eye Street, N.W.
Washington, D.C. 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414
lblalack@omm.com
agraves@omm.com
wbuffaloe@omm.com
bboyle@omm.com
bsinger@omm.com
rkohli@omm.com

JAMES A. BOWMAN, *Pro Hac Vice*
ADAM LEVINE, *Pro Hac Vice*
HANNAH E. DUNHAM, *Pro Hac Vice*
SHELBY A. CUMMINGS, *Pro Hac Vice*
O'MELVENY & MYERS LLP
400 South Hope Street, 18th Floor
Los Angeles, California 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
jbowman@omm.com
alevine@omm.com
hdunham@omm.com
scummings@omm.com

DAVID DEATON, *Pro Hac Vice*
O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
San Francisco, California 94111
Telephone: (949) 823-6900
Facsimile: (949) 823-6994
ddeaton@omm.com

CHRISTOPHER P. BURKE, *Pro Hac Vice*
O'MELVENY & MYERS LLP

DRAFT (4/18/26)

1301 Avenue of the Americas, Suite 1700
New York, New York 10019
Telephone: (212) 326-2000
Facsimile: (212) 326-2061
cburke@omm.com

JOHN MARTIN, *Pro Hac Vice*
HEYWARD BONYATA, *Pro Hac Vice*
**NELSON MULLINS RILEY &
SCARBOROUGH LLP**
1320 Main Street, 17th Floor
Columbia, South Carolina 29201
Telephone: (803) 255-9655
john.martin@nelsonmullins.com
heyward.bonyata@nelsonmullins.com

Attorneys for Defendant Anthem, Inc.

By: **/s/ DRAFT**

PETER ARONOFF
CHARLES JACOB
ADAM GITLIN
DANA WALSH KUMAR
RACHAEL DOUD
PIERRE ARMAND
HARRY FIDLER
**UNITED STATES ATTORNEYS OFFICE
SOUTHERN DISTRICT OF NEW YORK**
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: +212 637-2697
Facsimile: +212 637 2717
peter.aronoff@usdoj.gov
charles.jacob@usdoj.gov
adam.gitlin@usdoj.gov
dana.walsh.kumar@usdoj.gov
rachael.doud@usdoj.gov
pierre.armand@usdoj.gov
harry.fidler@usdoj.gov

Attorneys for the United States of America