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April 15, 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 jointly with the Government to respectfully request that the Court enter the enclosed Stipulation and Proposed Order based on the facts stated herein:

On March 16, 2026, following the Court’s February 18, 2026 order granting the Government medical records discovery (Dkt. 441), Anthem identified numerous current and former Government personnel or vendors from whom it claimed to require deposition testimony relating to the Government’s interpretation and application of the diagnosis coding and medical record documentation standards used in the Medicare Advantage program. The Government objected to this request for additional discovery as untimely, irrelevant, and not proportional to the needs of the case. At the March 17, 2026 case management conference, the Court directed the parties to meet and confer on this proposed discovery. (*See* 3/17/2026 Tr. at 35:3-5.)

Consistent with the Court’s instruction that the parties employ creative approaches to maximize efficiency, and in an effort to avoid the delays that traditional written discovery and depositions would impose on the fact discovery schedule, the parties agreed to leverage discovery already obtained in *United States ex rel. Poehling v. UnitedHealth Group, Inc., et al.*, Case No. 2:16-cv-08697-FMO-PVC (C.D. Cal.), *United States ex rel. Osinek v. Kaiser Permanente et al.*, Case No. 3:13-cv-03891 (EMC) (N.D. Cal.), and certain examinations that the Government conducted of Anthem personnel in response to Civil Investigative Demands prior to the filing of the complaint in this action. (*See* 3/17/2026 Tr. at 35:1-6.) The parties therefore agreed to stipulate that those prior depositions and examinations would be treated as depositions taken in this litigation under Federal Rule of Civil Procedure 32(a). This approach has direct precedent: the Government entered into a substantially similar stipulation with Kaiser Permanente in the *Osinek* litigation, which the court in that case adopted as an order. (*Osinek*, ECF No. 401). If the Stipulation and Proposed Order is entered as an Order of this Court, Anthem has agreed to withdraw its request for new deposition testimony from the identified deponents relating to the Government’s interpretation and application of the diagnosis coding and medical record documentation standards used in the Medicare Advantage program.



For the foregoing reasons, the parties respectfully request that the Court enter the Stipulation and Proposed Order. The parties believe the Stipulation and Proposed Order will promote the efficient resolution of the discovery dispute, avoid unnecessary burden on witnesses and the parties, and conserve judicial resources.



Dated: April 15, 2026

Respectfully submitted,

By: /s/ K. Lee Blalack, II

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHEM, INC.,

Defendant.

Case No. 20 Civ. 2593 (ALC) (KHP)

STIPULATION AND [PROPOSED] ORDER

Anthem, Inc. (“Anthem”) and the United States of America (the “United States”) (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, this case is presently in discovery;

WHEREAS, witnesses with knowledge of information potentially relevant to the above-captioned action have testified under oath in other proceedings and/or pursuant to Civil Investigative Demand(s) (“CID”);

WHEREAS, the United States conducted sworn examinations of witnesses with knowledge of information potentially relevant to the above-captioned action pursuant to CIDs during its investigation which preceded, and is related to, the above-captioned action; a list of such examinations is included in Exhibit A to this stipulation;

WHEREAS, the United States has produced to Anthem the transcripts and accompanying exhibits of depositions of witnesses who provided sworn testimony in the matter *United States ex rel. Poehling v. UnitedHealth Group, Inc., et al.*, C.D. Cal., Case No. 16 Civ. 8697 (FMO) (PVC), which include but are not limited to the depositions referenced in Exhibit B to this stipulation;

WHEREAS, Anthem's counsel, O'Melveny & Myers LLP, retains custody of the transcripts and accompanying exhibits of depositions of witnesses who provided sworn testimony in the matter *United States ex rel. Osinek v. Kaiser Permanente et al.*, N. D. Cal., Case No. 13 Civ. 3891 (EMC), which include but are not limited to the depositions referenced in Exhibit C to this stipulation;

WHEREAS, the United States and Anthem seek to avoid burdening the Parties and witnesses further than necessary and to avoid litigation regarding the admissibility of witness testimony.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Anthem and the United States, as follows:

1. The depositions identified in Exhibits A, B, and C to this stipulation shall be treated as though taken as depositions in this litigation pursuant to Federal Rule of Civil Procedure Rule 32(a). Such examinations and depositions shall be admissible in the above-captioned litigation to the extent they would otherwise be admissible under the Federal Rules of Civil Procedure and Federal Rules of Evidence as depositions taken in the normal course of the above-captioned litigation, with the exception that, to be admissible, such examinations and depositions do not need to satisfy the conditions set forth in Rule 32(a)(1)(A) of the Federal Rules of Civil Procedure or Rule 804(b)(1)(B) of the Federal Rules of Evidence; and

2. All objections to questions asked during the examinations and depositions identified or referenced herein are preserved, as are all other objections to the admissibility of the testimony in such examinations and depositions that exist under the Federal Rules of Civil Procedure and Federal Rules of Evidence for depositions taken in the normal course of the above-captioned litigation.

SO ORDERED.

Dated: New York, New York
April __, 2026

HON. KATHARINE H. PARKER
United States Magistrate Judge

Dated: April 15, 2026

Respectfully submitted,

By: /s/ K. Lee Blalack, II

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Exhibit A

Exhibit A

Deponent Name	Civil Investigative Demand Deposition Date
Cournoyer, Kristin	03/13/2019
DeShay, Jeff	07/25/2019
Dlugosz, Phillip	04/25/2018
Etterling, Paul	05/31/2019
Hetu, Evan	05/10/2019
Keim, Joell	08/09/2019
Lorance, Sarah	08/28/2019
Ndiba-Markey, Colette	03/30/2019
Reynolds, Jeffrey	06/16/2019
Russo, Marc	09/20/2019
Williams, Robert	06/06/2018

Exhibit B

Exhibit B

Bates	Deponent Name	Deposition Date
US_000713278	Blum, Jonathan	03/04/2022
US_000715705	Bonfante, Maricruz	03/21/2022
US_000715647	Bonfante, Maricruz	03/21/2022
US_000713388	Bonner, Mary	05/13/2022
US_000716796	Boward, Mark	09/20/2022
US_000717100	Bresette, Christopher	05/31/2023
US_000717313	Bresette, Christopher	08/09/2023
US_000716857	Brown, Rodney	11/03/2022
US_000713446	Cavanaugh, Sean	02/17/2022
US_000713556	Chaudhuri, Ilina	08/10/2022
US_000717711	Creighton, Sean	03/23/2022
US_000717775	Creighton, Sean	10/04/2022
US_000713648	Davis, Joanne	09/08/2022
US_000713702	Dutt, Hans	09/28/2022
US_000715369	Eisenberg, Christopher	02/16/2022
US_000715308	Eisenberg, Christopher	02/16/2022
US_000713838	Farmer, Daniel	03/18/2022
US_000713906	Foster, Richard	03/31/2022
US_000714980	Franzel, Ashley	11/02/2022
US_000729216	Franzel, Ashley	11/02/2022
US_000039420	Fry, Janet	06/02/2022
US_000715170	Grant, Jeff	03/20/2018
US_000715231	Grant, Jeff	05/16/2018
US_000713971	Guy, Mary	03/30/2022
US_000716031	Harlow, Jennifer	08/05/2022
US_000715959	Harlow, Jennifer	08/05/2022
US_000715807	Hornsby, Anne	05/18/2022
US_000715867	Hornsby, Anne	05/18/2022
US_000718135	Hornsby, Anne	05/19/2023
US_000718426	Hornsby, Anne	05/25/2023
US_000728753	Hornsby, Anne	11/21/2023
US_000714055	Hughes, Lateefah	02/04/2022
US_000716734	Hutchinson, Thomas	01/26/2022
US_000715944	Ingber, Melvin	06/14/2022
US_000715894	Ingber, Melvin	06/14/2022
US_000716986	Johnson, Amanda	09/30/2022
US_000716085	Kapustij, Carolyn	08/25/2022
US_000716162	Kapustij, Carolyn	08/25/2022

US_000718829	Kapustij, Carolyn	08/25/2023
US_000715432	Kornfield, Thomas	03/10/2022
US_000715533	Kornfield, Thomas	03/10/2022
US_000715637	Lara, Lisa	03/18/2022
US_000715564	Lara, Lisa	03/18/2022
US_000719450	Lazio, Jennifer	02/28/2022
US_000701045-REV	Leonard, Connie	05/26/2023
US_000701361-REV	Limmer, Kirk	06/21/2023
US_000714136	Liu, Echo	06/27/2022
US_000719149	Mills, George	09/07/2023
US_000714553	Morse, Jonathan	08/17/2022
US_000714184	Paul, Rebecca	04/13/2022
US_000714305	Reed, Monica	04/28/2022
US_000714649	Renshaw, Jeff	08/24/2022
US_000714421	Rice, Cheri	08/03/2022
US_000714748	Savoy, Vernisha	10/25/2022
US_000716392	Smith, Jonathan	09/29/2022
US_000716469	Smith, Jonathan	09/29/2022
US_000715113	Tavener, Marilyn	02/28/2018
US_000717462	Taylor, Eula	08/23/2023
US_000717951	Tee, Gift	11/30/2022
US_000716599	Tudor, Cynthia	08/23/2022
US_000714363	Uebersax, Julie	06/29/2022
US_000717025	Verslues, Francis	03/17/2023

Exhibit C

Exhibit C

Deponent Name	Deposition Date
Atkins, Michelle	03/11/2025
Berglund, David	02/11/2025
Berglund, David	02/18/2025
Bonfante, Maricruz	02/07/2025
Bresette, Christopher	03/19/2025
Brooks, Patricia	01/30/2025
Creighton, Sean	04/07/2025
Davis, Joanne	03/20/2025
Eisenberg, Chris	03/24/2025
Franzel, Ashley	04/09/2025
Fry, Janet	02/27/2025
Fry, Janet	02/28/2025
Grant, Jeff	04/17/2025
Harlow, Jennifer	07/10/2025
Hue, Marilu	04/08/2025
Hughes, Lateefah	02/25/2025
Marshall, Ann	02/13/2025
Mills, George	06/29/2023
Paul, Rebecca	03/20/2025
Pulley, Tobi	02/26/2025
Reddix, Angela	03/07/2025
Rice, Cheri	06/10/2025
Shapiro, Jennifer ¹	06/24/2025
Simons, Kellie	05/19/2025
Smith, Jonathan	03/31/2025
Wagner, Jennifer	07/11/2023
Winchell, David	04/04/2025

¹ Portions of the deposition transcript of witness Jennifer Shapiro in *United States ex rel. Osinek v. Kaiser Permanente et al.*, N. D. Cal., Case No. 13 Civ. 3891 (EMC) are designated confidential by the defendant in that action pursuant to the Protective Order entered by the court in that litigation (ECF No. 191). The Parties agree to redact those designated portions of Ms. Shapiro's testimony.