



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 15, 2026

Via ECF

The Honorable Katharine H. Parker
United States District Court
500 Pearl Street
New York, New York 10007

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

Dear Judge Parker:

This Office represents the United States of America (the “Government”) in the above-referenced matter. We write to provide the Government’s position on two sets of disputed issues to be addressed at the May 19, 2026, conference: (1) the Government’s application to compel defendant Anthem, Inc. (“Anthem”) to produce documents that are responsive to its Seventh and Eighth Sets of Requests for Production of Documents (“RFPs”), attached as exhibits; and (2) Anthem’s application to compel the Government to respond to interrogatories related to Government audits. The discovery that the Government seeks in its RFPs is relevant and proportional to the needs of this case and will not significantly affect the Court’s discovery schedule. On the other hand, the discovery that Anthem seeks is irrelevant, cumulative, and not proportional to the needs of the case.

I. Anthem Must Produce Additional Documents

The Government has sought discovery in this case on a targeted and iterative basis, consistent with Rule 26. Indeed, Anthem has only produced approximately 26,100 usable documents during discovery (while the Government has produced more than 1.7 million).¹ The RFPs at issue in this dispute are all targeted, and are generally based on specific deposition testimony by Anthem employees or documents produced by Anthem during discovery. Nonetheless, Anthem has made improper objections that require the Court’s intervention. Specifically, the Government respectfully seeks an order pursuant to Rule 37(a) compelling Anthem to produce documents responsive to RFPs 7-3, 7-4, 7-5, 7-6, 7-7, 7-9, 7-11, 7-12, 7-13, 7-14, and 8-1 in the Government’s Seventh and Eighth RFPs, served on February 20, 2026, and March 25, 2026, respectively. Common threads run through Anthem’s objections: Anthem proposes arbitrary date cutoffs; insists, contrary to settled practice in this Circuit, on applying relevance redactions; and refuses to run agreed-upon search terms or even report hit counts that would allow the parties to assess burden. None of these positions are supportable.

RFP 7-3 (MRAPC Minutes). This RFP seeks meeting minutes, decisions, and guidance from Anthem’s Medicare Risk Adjustment Policy Committee (“MRAPC”)—the senior body responsible for setting policy on, and assessing compliance risks associated with, Anthem’s risk adjustment activities—relating to Anthem’s deletion of diagnosis codes. The MRAPC’s

¹ The nominal document count of Anthem’s productions is approximately 33,320, but includes as “documents” thousands of unusable items such as images from signature blocks or blank files. Anthem produced an additional 9700 documents during the Government’s investigation.

deliberations bear directly on Anthem’s scienter. Anthem initially agreed to produce documents concerning the deletion of codes for dates of service (“DOS”) from 2012 through 2015. After the Government objected to this temporal limitation, Anthem agreed to produce MRAPC minutes untethered to any DOS, but only if Anthem was permitted to apply relevance redactions—that is, to redact any content within an otherwise responsive document that Anthem unilaterally deems non-responsive. As an initial matter, documents falling outside the 2012–2015 DOS window are critical, as the MRAPC’s policies, practices, and awareness of compliance risks both before and after this period illuminate Anthem’s knowledge and intent during the relevant timeframe. Further, neither party has applied relevance redactions in this litigation, and such redactions go against the “weight of authority” in this Circuit. *See Christine Asia Co. v. Alibaba Grp. Holding Ltd.*, 327 F.R.D. 52, 54 (S.D.N.Y. 2018) (collecting cases). Such redactions “breed suspicions, and they may deprive the reader of context.” *In re State St. Bank & Tr. Co. Fixed Income Funds Inv. Litig.*, No. 08 Civ. 0333 (RJH) (DFE), 2009 WL 1026013, at *1 (S.D.N.Y. Apr. 8, 2009). Anthem has offered no basis to depart from that practice, particularly in light of the protective order.

RFP 7-4 (Revenue Forecast Adjustments). This RFP seeks documents from 2017–2018 reflecting adjustments to Anthem’s revenue forecasts based on the financial impact of Anthem’s chart review program “looking both ways.” These are contemporaneous internal analyses of how much revenue Anthem stood to lose if it began deleting unsupported codes. Such analyses are directly relevant to scienter, showing Anthem’s awareness that a substantial portion of chart review revenue was attributable to unsupported codes that should have been deleted, and that Anthem was weighing the financial consequences of compliance against continued non-compliance—core evidence of knowledge under the False Claims Act (“FCA”). Anthem offered to produce only analyses tied to DOS 2012–2015, excluding any analysis that addressed the impact across *other* DOS years. But the relevance of these analyses does not turn on the specific years addressed; they reflect Anthem’s awareness of overpayment exposure arising from the chart review program, which is probative of scienter *regardless of the year*. The Government has proposed targeted search terms; Anthem refuses even to run them or report hit counts.

RFP 7-5 (Looking Both Ways Policies). This RFP seeks Anthem’s written policies, from January 1, 2008, to the present, governing chart review “looking both ways”—*i.e.*, deleting unsupported diagnosis codes as a result of chart review, instead of only adding them. These policies dictate whether and when Anthem deletes unsupported diagnosis codes. Anthem has agreed to produce only policies dated June 1, 2013, through March 1, 2017. This limitation appears to be designed to exclude all relevant documents. It is the Government’s understanding that Anthem did not have a final “looking both ways” policy by March 1, 2017, and did not begin reporting unsupported codes to CMS until late 2018. Anthem has thus designed a response that would be a null set, ensuring nothing responsive to produce. Yet the evolution of these policies *after* 2017 is highly relevant. For one, Anthem has suggested that it was not required to use its chart review to “look both ways” because doing so was logistically challenging. This procedure Anthem began using in 2017–2018 to “look both ways” would undercut this argument. Additionally, such policies are probative of scienter because they would potentially reflect Anthem’s awareness of its obligations and its knowledge of unsupported diagnosis codes. *See, e.g., Cleary v. Kaleida Health*, No. 22 Civ. 26 (LJV) (JJM), 2024 WL 4901952, at *11 (W.D.N.Y. Nov. 27, 2024) (non-privileged documents created post-commencement must be produced); *Ferring Pharms. Inc. v. Serenity Pharms., LLC*, No. 17 Civ. 9922 (CMS) (DA), 2019 WL 5682635, at *5 (S.D.N.Y. Nov. 1, 2019) (“[D]ocuments created after an event often are germane to that which came before.”). The Government asked Anthem for the basic information needed to

set a principled cutoff, *e.g.*, the number of policy versions, their effective dates, and the most recent material change, to assess whether the RFP is burdensome. Anthem has not answered.

RFP 7-7 (Board Minutes).² This RFP seeks minutes of Anthem Board meetings (now narrowed to January 1, 2010, through December 31, 2018) at which chart review or risk adjustment compliance was discussed. What the Board knew about Anthem’s chart review practices, and the compliance risks associated with them, bears directly on whether Anthem acted with the requisite knowledge under the FCA, and on whether senior decisionmakers were informed of, and approved of, the practices the Government challenges. Anthem has agreed to produce responsive documents, but again, only if it may apply relevance redactions—an unprecedented (for this case) and judicially disfavored practice. *See Christine Asia*, 327 F.R.D. at 54. The burden of producing a discrete set of Board minutes is minimal. Anthem has said the minutes are sensitive, but that is not a basis to resist discovery, and there is a protective order in this case.

RFP 7-9 (Ms. Bresnan’s Files). This RFP seeks “communications sent by or received by Kimberly Bresnan relating to retrospective chart review in Medicare Advantage.” Ms. Bresnan directly oversaw Anthem’s chart review program for several years. The Government previously issued an RFP for which Ms. Bresnan was a custodian (RFP 5-1), but Anthem’s search was limited to January 1, 2009, through December 31, 2011, and focused only on the design, formulation, development, and initial implementation of chart review—not its operation over time. Meanwhile, Anthem has produced other of Ms. Bresnan’s documents of its own choosing as part of its Rule 26 disclosures. To minimize burden, the Government has proposed targeted new search terms and offered that Anthem need only review documents that are new hits—*i.e.*, documents not previously reviewed in connection with RFP 5-1 or any other prior RFP. Anthem has generally agreed but maintains the Government must first provide “responsiveness criteria.” Responsiveness is self-evident from the RFP: “communications sent by or received by Kimberly Bresnan relating to retrospective chart review in Medicare Advantage”—precisely the subject of this lawsuit. Anthem has refused to even run the Government’s proposed search terms and provide a hit report.

RFP 7-11 (Cahow Criteria). This RFP seeks documents sufficient to show “the criteria used by Anthem as set forth by Eric Cahow in his deposition testimony to establish a mismatch” between a provider-submitted code and instances where a chart review coder did not identify it as support in the medical record, “or make a determination that an overpayment needed to be returned to CMS” (cleaned up). Mr. Cahow, an Anthem employee involved in audit work, testified about those criteria, and documents reflecting them are relevant to falsity and scienter, showing how Anthem itself defined an unsupported code and an overpayment. The request is also narrow: as a “sufficient to show” request, Anthem need only produce enough documents to demonstrate the criteria; even a single document could suffice. Anthem nonetheless refuses to search, contending it cannot discern from its own former employee’s testimony what “criteria” the Government means and demanding further clarification. But that objection reflects nothing more than information asymmetry: the Government does not have documents setting forth Anthem’s internal criteria, which is precisely why it issued the RFP, and Anthem must use its judgment in searching for and reviewing responsive documents. The Government has proposed a single custodian, a defined date range, and targeted search terms; Anthem refuses even to run the search and generate a hit report. Anthem should run the proposed searches and produce responsive documents.

² The Government also seeks to compel production of documents responsive to RFP 7-6, which also relates to board meeting minutes and is encompassed within RFP 7-7.

RFPs 7-12, 7-13, and 7-14 (Performance Reviews and Compensation). These RFPs seek performance reviews, salary, and incentive-compensation records for 27 identified Anthem employees who had direct responsibility for the risk adjustment programs at issue, along with the policies and metrics governing their compensation. These records are relevant: the small subset of such records that have been produced show that employees were evaluated and compensated based on meeting risk adjustment revenue targets. Compensation tied to chart-review revenue is probative of both motive and scienter. Anthem’s objection rests on assertions of overbreadth, but documents Anthem has produced to date indicate that these records are maintained centrally, and Anthem has made no burden showing. Anthem should produce responsive documents.

RFP 8-1 (Analysis Referenced by Ms. Bresnan). Ms. Bresnan testified at her deposition that she asked her team to conduct an analysis to compare diagnosis codes previously submitted by Anthem to CMS against the codes identified during Anthem’s chart review—an analysis that would have shown Anthem the magnitude of unsupported codes already on file with CMS. The analysis goes directly to Anthem’s awareness that its one-way chart review was systematically failing to report unsupported, previously submitted codes. Anthem agreed to search only the files of Ms. Bresnan and one other former Anthem employee, Matt Cogdill. But Ms. Bresnan testified that the analysis was performed by data-and-analytics staff, whose files Anthem has not searched. Anthem contends that a prior RFP (RFP 2-2) already covered this material, but that is incorrect: Anthem’s RFP 2-2 search was temporally limited to approximately 2013 forward, while the analysis Ms. Bresnan described predates that cutoff, and was confined to custodians that did not include the data and analytics personnel who actually performed the analysis. Anthem has refused even to inform the Government whether it preserved the emails of these individuals such that they would be available to search. Anthem should search the files of the additional custodians the Government has proposed (if Anthem has them) and produce responsive documents.

II. The Government Has Properly Objected to Anthem’s Interrogatories

The Court should deny Anthem’s application to compel responses to its April 3, 2026, interrogatories which, like its related “draft” RFPs, seek detailed information about Government audits of diagnosis codes that the Government has removed, or will remove, from this case.

Background. As the parties’ position statements for the April conference recount, *see* ECF Nos. 470, 476, on April 3, Anthem served interrogatories and a set of related “draft” RFPs (so designated because Anthem may not serve additional requests for production without first obtaining leave from the Court for cause). The interrogatories are available on the docket. *See* ECF No. 471-1. Both the RFPs and interrogatories seek information about certain Government audits of diagnosis codes. The parties previously provided their positions on whether Anthem should be granted leave to serve the RFPs, and the issue was discussed extensively at the April conference. The interrogatories are inappropriate for reasons similar to the draft RFPs. The interrogatories seek information that is irrelevant or, at minimum, not proportional to the needs of the case.

Irrelevance. First, the interrogatories are irrelevant because they seek information about diagnoses that are not at issue in this case. As the Government has explained, it either has removed or will remove from its list of allegedly false diagnosis codes any codes associated with a beneficiary-year that was part of a CMS or HHS OIG audit. ECF No. 476 at 2; ECF No. 478 at 3. As we noted, “the Government would not seek damages for a code validated in an administrative audit; and if an audit finds unsupported codes, the Government would have separate,

administrative recourse to recover.” ECF No. 476 at 2. Since the last conference, the Government has been reviewing its data and analysis to ensure that all audited beneficiary-years are removed.

Because the diagnoses subject to audit are not at issue, they are not relevant to any party’s claim or defense on damages. Nor are they relevant to the FCA’s falsity element. The question of falsity is “objective” and “black-and-white.” *United States ex. rel. Streck v. Eli Lilly & Co.*, 152 F.4th 816, 841 (7th Cir. 2025). Here, the determination whether each individual diagnosis code actually at issue is false will depend on whether it is supported by medical records under the standards CMS promulgated for Medicare Advantage. It does not matter whether Government coders found support for diagnosis codes of other patients in dubiously analogous contexts, as Anthem apparently hopes to show. To be sure, the meaning of the coding standards themselves is fair game, but that is shown by Government training and guidance (which we have already produced), not by individual Government employees’ determinations across hundreds of diagnosis codes for which the Government does not seek damages.

Lack of proportionality. To the extent Anthem argues instead that the interrogatories are relevant to materiality, they are not proportional to the needs of the case given their at best marginal relevance and all the other information that Anthem already possesses through discovery and otherwise. Considering the discovery already provided, the interrogatories are both “unreasonably cumulative” and “duplicative,” Fed. R. Civ. P. 26(b)(2)(C)(i), and so must be barred, *see id.*

First, Anthem already has copious information on Government coding standards and audits to demonstrate how the Government dealt with questions of medical record support. Anthem has taken the testimony of 18 CMS and HHS OIG witnesses, and has approximately 70 additional deposition transcripts of Government witnesses from two other cases (*Poehling* and *Kaiser*). It either did ask, or could have asked, about Government coding standards and Government audits. And it has additional information from its decades-long business relationship with CMS.

Second, Anthem already has the results of the very audits for which it now seeks information, because Anthem itself participated in them. Indeed, Anthem used the information it already possesses to generate a detailed analysis that it docketed before the last conference. ECF No. 477. If the Government is required to respond to the interrogatories, HHS employees would have to devote limited time to compiling information Anthem already largely has.

Third, Anthem’s interrogatories (and related document requests) would create a sideshow. The Government plans to introduce evidence about the medical record support, or lack thereof, for a statistically valid sample of 199 beneficiary-years, a procedure that Anthem has objected to. Yet Anthem’s latest discovery requests seek information and records for more than triple that number—670 beneficiary-years—that the Government will not put at issue. Anthem has ample other means to contest materiality without requiring the parties to individually examine hundreds of medical files for which the Government does not seek damages.

Finally, Anthem has known about these Government audits for years. Anthem has previously suggested that it only sought this discovery because the Government has now obtained a sample of medical records. But the Government first noted that plan in court in July 2024, and again in July 2025. *See* ECF No. 438 at 1. Anthem could have sought this information earlier, but chose not to. Where, as here, “the party seeking discovery has had ample opportunity to obtain the information by discovery in the action,” the Court must limit discovery. Fed. R. Civ. P. 26(b)(2)(C)(ii). Anthem’s belated request, made in the final months of fact discovery, provides an additional, independent basis to deny its application.

Respectfully submitted,

JAY CLAYTON
United States Attorney

By: /s/ Peter Aronoff
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CHARLES JACOB
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cc: Counsel of record (via ECF)

EXHIBIT B

JAY CLAYTON
United States Attorney for the
Southern District of New York
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHEM, INC.,

Defendant.

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

**PLAINTIFF UNITED STATES OF AMERICA’S EIGHTH SET OF
REQUESTS FOR PRODUCTION TO DEFENDANT ANTHEM, INC.**

PLEASE TAKE NOTICE that, pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff United States of America (the “Government”), by its attorney, Jay Clayton, United States Attorney for the Southern District of New York, hereby requests that Defendant Anthem, Inc. (“Anthem”) produce the requested documents at the United States Attorney’s Office, Civil Division, 86 Chambers Street, New York, New York 10007, Attention: Rachael Doud, within thirty (30) days after the date of service of these requests for documents. The requested documents

can also be produced by email to Rachael.Doud@usdoj.gov or by file transfer protocol (FTP). The disclosure should include all responsive documents identified as of the date of production.

PLEASE TAKE FURTHER NOTICE that, pursuant to Fed. R. Civ. P. 26(e)(1)(A), Anthem is under a duty to supplement its disclosures, including those made here and those made pursuant to Fed. R. Civ. P. 26(a), if Anthem discovers that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the Government during the discovery process or in writing.

DEFINITIONS

All defined terms used herein shall have the same meaning as the definitions set forth in the Government's Second Set of Requests for Production to Anthem, served on Anthem on May 16, 2023, as modified by any agreements between the Government and Anthem during the parties' meet and confers.

INSTRUCTIONS

1. Unless otherwise specified in a particular request, these requests for production require production of all documents and information from January 1, 2009, to December 31, 2018 (the "Relevant Period"), that are responsive to one or more of the requests below, and which are in Your possession, custody or control, regardless of where such documents or information are located. You shall include all documents or information that relate to or were used during the Relevant Period even if they were prepared or published prior. Further, if any document requested in these requests for production is no longer in Your possession, custody or control, identify such document completely and provide the following information regarding the document:

- A. Its present custodian and location;
- B. The manner in which it was disposed of, including the date of disposal, the reason for

disposal, the person authorizing the disposal, and the person or persons who disposed of the document.

2. If no documents exist that are responsive to a particular request, You shall include, in Your response to the request for production and at the time of production, a written statement to that effect.

3. For any document or part thereof that is not produced by reason of a claim of privilege, You shall state the privilege being claimed, give an explanation for Your claim of such privilege, and provide the following information:

- A. The type of document;
- B. The subject matter of the document;
- C. The date of the document;
- D. The author of the document, including the author's address, telephone number and role in relation to Anthem;
- E. All recipients of the document, including their addresses, telephone numbers and roles in relation to Anthem;
- F. The number of pages of the document; and
- G. Any other information listed in Local Rule 26.2.

4. In responding to these requests for production, all documents produced shall be segregated and labeled so as to identify the request(s) to which such documents respond. Alternatively, You shall identify, by Bates numbers, the documents responsive to each request herein.

5. All documents provided in response to these requests are to include all marginalia and post-its, as well as any attachments referred to in or incorporated by the documents. All documents provided in response to these requests are to include all versions of each responsive document,

including all drafts and copies of each document.

6. In responding to these requests for production, You shall locate, gather, and produce documents from Your files and other sources, including documents stored electronically, in such a manner as to ensure that the source and location of each document may be readily determined.

7. In responding to these requests for production, if You locate responsive documents, including documents stored electronically, in file folders or other containers, You shall produce those folders and containers, including any labels identifying such folders or containers, together with the responsive documents contained therein.

8. In responding to these requests for production, documents attached to each other shall not be separated unless You also identify such separation and provide records sufficient to permit the reconstruction of such grouping of documents.

9. In responding to these requests for production, if You locate any document that has markings on both sides, You shall produce both sides of the document.

10. The obligation of production pursuant to these requests for production is a continuing one. Accordingly, documents or information responsive to any of the requests below, located at any time after a response is due, shall be promptly produced.

11. If You claim privilege as to a portion of any document, You must redact that portion and produce the remainder of the document. All redactions must be clearly identifiable from the face of the document. All redactions must be included in a detailed log containing the information required by Local Rule 26.2(a).

DOCUMENT REQUESTS

1. All documents and communications regarding the analysis Kim Bresnan referenced at her deposition in this matter concerning diagnosis codes previously reported by providers to Anthem

and submitted by Anthem to CMS that were not identified during Anthem’s Chart Review Program, *see, e.g.*, Tr. 153:4-155:11, 158:3-11.

2. All documents and communications concerning any decision to approve or deny funding for Kim Bresnan’s RADV Improvement Strategy discussed in ANTHEM_DOJ_00047152 and ANTHEM_DOJ_00047154.

3. The “Opinion Letter from Melissa . . . sent to CHN” as referenced in ANTHEM_DOJ_00046727 and all documents and communications concerning the drafting of and purpose of that Opinion Letter.

4. All documents from “Kim’s Files,” as referenced in ANTHEM_DOJ_0001550, concerning Anthem’s Chart Review Program.

Dated: March 25, 2026
New York, New York

JAY CLAYTON
United States Attorney for the
Southern District of New York

Attorney for the United States of America

By: /s/ Rachael Doud
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PETER ARONOFF
RACHAEL DOUD
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New York, New York 10007
Telephone: (212) 637-2734

CERTIFICATE OF SERVICE

I, Rachael Doud, an Assistant United States Attorney for the Southern District of New York, hereby certify that on March 25, 2026, I caused a copy of the foregoing United States of America's Eighth Set of Requests for Production to Anthem, Inc. to be served by electronic mail upon the following:

K. Lee Blalack II (lblalack@omm.com);
Jim Bowman (jbowman@omm.com);
David Deaton (ddeaton@omm.com);
Anwar Graves (agraves@omm.com);
Adam Levine (alevine@omm.com); and
Stephen M. Sullivan (ssullivan@omm.com).

By: /Rachael Doud.
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EXHIBIT A

JAY CLAYTON
United States Attorney for the
Southern District of New York
By: PIERRE ARMAND
PETER ARONOFF
RACHAEL DOUD
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHEM, INC.,

Defendant.

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

**PLAINTIFF UNITED STATES OF AMERICA’S SEVENTH SET OF
REQUESTS FOR PRODUCTION TO DEFENDANT ANTHEM, INC.**

PLEASE TAKE NOTICE that, pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff United States of America (the “Government”), by its attorney, Jay Clayton, United States Attorney for the Southern District of New York, hereby requests that Defendant Anthem, Inc. (“Anthem”) produce the requested documents at the United States Attorney’s Office, Civil Division, 86 Chambers Street, New York, New York 10007, Attention: Adam Gitlin, within thirty (30) days after the date of service of these requests for documents. The requested documents can

also be produced by email to Adam.Gitlin@usdoj.gov or by file transfer protocol. The disclosure should include all responsive documents identified as of the date of production.

PLEASE TAKE FURTHER NOTICE that, pursuant to Fed. R. Civ. P. 26(e)(1)(A), Anthem is under a duty to supplement its disclosures, including those made here and those made pursuant to Fed. R. Civ. P. 26(a), if Anthem discovers that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the Government during the discovery process or in writing.

DEFINITIONS

All defined terms used herein shall have the same meaning as the definitions set forth in the Government's Second Set of Requests for Production to Anthem, served on Anthem on May 16, 2023, as modified by any agreements between the Government and Anthem during the parties' meet and confers. In addition, the term "Relevant Anthem Employees" refers to, for purposes of these requests, Angele White, Anne Lieb, Brian Sassi, Calisse Brown, Camie Welch, Doug Ferrington, Ed Stubbers, Eric Cahow, Evan Hetu, Gray King, Jeff DeShay, Jeff Reynolds, Joell Keim, John Gallina, Julie Smith, Kim Bresnan, Kris Hammack, Krista Bowers, Kristina Cournoyer, Leah Hirsch, Marc Russo, Matt Cogdill, Mike Pryor, Patricia Cabrera, Peter Haytaian, Sarah Lorance, and Tonya Ries.

INSTRUCTIONS

1. Unless otherwise specified in a particular request, these requests for production require production of all documents and information from January 1, 2008, to December 31, 2018 (the "Relevant Period"), that are responsive to one or more of the requests below, and which are in Your possession, custody or control, regardless of where such documents or information are located. You shall include all documents or information that relate to or were used during the

Relevant Period, even if they were prepared or published prior. Further, if any document requested in these requests for production is no longer in Your possession, custody or control, identify such document completely and provide the following information regarding the document:

- A. Its present custodian and location;
- B. The manner in which it was disposed of, including the date of disposal, the reason for disposal, the person authorizing the disposal, and the person or persons who disposed of the document.

2. If no documents exist that are responsive to a particular request, You shall include, in Your response to the request for production and at the time of production, a written statement to that effect.

3. For any document or part thereof that is not produced by reason of a claim of privilege, You shall state the privilege being claimed, give an explanation for Your claim of such privilege, and provide the following information:

- A. The type of document;
- B. The subject matter of the document;
- C. The date of the document;
- D. The author of the document, including the author's address, telephone number and role in relation to Anthem;
- E. All recipients of the document, including their addresses, telephone numbers and roles in relation to Anthem;
- F. The number of pages of the document; and
- G. Any other information listed in Local Rule 26.2.

4. In responding to these requests for production, all documents produced shall be segregated

and labeled so as to identify the request(s) to which such documents respond. Alternatively, You shall identify, by Bates numbers, the documents responsive to each request herein.

5. All documents provided in response to these requests are to include all marginalia and post-its, as well as any attachments referred to in or incorporated by the documents. All documents provided in response to these requests are to include all versions of each responsive document, including all drafts and copies of each document.

6. In responding to these requests for production, You shall locate, gather, and produce documents from Your files and other sources, including documents stored electronically, in such a manner as to ensure that the source and location of each document may be readily determined.

7. In responding to these requests for production, if You locate responsive documents, including documents stored electronically, in file folders or other containers, You shall produce those folders and containers, including any labels identifying such folders or containers, together with the responsive documents contained therein.

8. In responding to these requests for production, documents attached to each other shall not be separated unless You also identify such separation and provide records sufficient to permit the reconstruction of such grouping of documents.

9. In responding to these requests for production, if You locate any document that has markings on both sides, You shall produce both sides of the document.

10. The obligation of production pursuant to these requests for production is a continuing one. Accordingly, documents or information responsive to any of the requests below, located at any time after a response is due, shall be promptly produced.

11. If You claim privilege as to a portion of any document, You must redact that portion and produce the remainder of the document. All redactions must be clearly identifiable from the face

of the document. All redactions must be included in a detailed log containing the information required by Local Rule 26.2(a).

DOCUMENT REQUESTS

1. All documents and communications reflecting the “business case” to which Camie Welch referred in ANTHEM_SDNY_00172458 and any decisions by Anthem in response to that presentation, including, but not limited to, the “presentation” referenced by Camie Welch during her deposition testimony, *see* Welch Tr. 182:9-13.

2. All documents and communications related to the statement, “[s]ome of the provisions in the rule are new . . . but some are to codify requirements already issued in previous guidance and other communications from CMS,” in document bearing bates number ANTHEM_SDNY_00149727.

3. Meeting minutes, decisions, and guidance from Anthem’s Medicare Risk Adjustment Policy Committee concerning Deletions of Diagnosis Codes.

4. All documents or communications reflecting or discussing an adjustment, or whether to make an adjustment, to Anthem’s revenue forecasts during 2017–2018 relating to the financial impact of Anthem’s Chart Review Program Looking Both Ways.

5. All policies, from January 1, 2008, to the present, concerning Anthem’s retrospective chart review in Medicare Advantage Looking Both Ways.

6. All meeting minutes from Anthem’s board meetings held on May 17, 2011, and December 1, 2011, as referenced in ANTHEM_DOJ_00047711.

7. All meeting minutes from any Anthem board meeting held between January 1, 2003, and December 31, 2018, during which any discussion of retrospective chart review in Medicare

Advantage or Anthem's compliance with CMS regulations relating to Risk Adjustment in Medicare Advantage took place.

8. All versions of Anthem's "WellPoint Enterprise Risk Management Program" document, a version of which bears Bates number ANTHEM_DOJ_00047681.

9. All communications sent by or received by Kimberly Bresnan relating to retrospective chart review in Medicare Advantage.

10. All documents relating to the potential or actual meetings between America's Health Insurance Plans ("AHIP") and CMS relating to retrospective chart review in Medicare Advantage that are referenced in documents produced by Anthem pursuant to its Rule 26 disclosures on February 6, 2026, or in the deposition testimony of Leah Hirsch.

11. Documents sufficient to show the criteria used by Anthem as set forth by Eric Cahow in his deposition testimony to establish a "mismatch," to "confirm that the code was not in [the record]," or make a determination that an overpayment needed to be returned to CMS, *see* Cahow Tr. 43:21–46:6.

12. Any performance reviews or evaluations for the Relevant Anthem Employees.

13. Documents sufficient to show, for each year of the Relevant Period: (a) the annual base salary of the Relevant Anthem Employees; (b) any incentive compensation, bonuses, commissions, equity compensation, or other variable compensation paid to such employees; and (c) such employees' total compensation.

14. Documents sufficient to show, for each year of the Relevant Period, the policies, criteria, formulas, metrics, targets, performance measures, or standards governing any incentive, bonus, commission, equity, or other variable compensation program applicable to the Relevant Anthem Employees.

Dated: February 20, 2026
New York, New York

JAY CLAYTON
United States Attorney for the
Southern District of New York

Attorney for the United States of America

By: /s/ Adam Gitlin
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CERTIFICATE OF SERVICE

I, Adam Gitlin, an Assistant United States Attorney for the Southern District of New York, hereby certify that on February 20, 2026, I caused a copy of the foregoing United States of America's Seventh Set of Requests for Production to Anthem, Inc. to be served by electronic mail upon the following:

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