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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
PHOENIX DIVISION**

United Healthcare Services, Inc.;
UnitedHealthcare Insurance Company; and
UMR, Inc.,

Plaintiffs,

vs.

Radiology Partners, Inc.; and Sonoran
Radiology, Ltd.,

Defendants.

Case No.: 2:25-cv-02862-PHX-GMS

**PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO
STRIKE**

1 United respectfully requests that the Court deny Defendants’ motion to strike.
2 United filed a short, page-and-a-half response to Defendants’ notice of supplemental
3 authority for two limited purposes: (1) to object to Defendants’ attempt to use the new
4 authority to advance arguments not raised in their prior briefing, and (2) to address
5 Defendants’ overstatement of the decision’s relevance to the claims at issue here.

6 A notice of supplemental authority is appropriate to “inform the Court of a new
7 judicial opinion . . . but it is an improper occasion to argue outside the pleadings.” *Doe*
8 *v. Blue Cross Blue Shield of Ill.*, 492 F. Supp. 3d 970, 980 (D. Ariz. 2020). Yet
9 Defendants did not merely notify the Court of a newly decided case. Instead, Defendants
10 highlighted portions of *Anthem Blue Cross Life & Health Ins. Co. v. HaloMD LLC*, No.
11 8:25-cv-01467, 2026 WL 982629 (C.D. Cal. Apr. 9, 2026), that they deemed “relevant,”
12 including what Defendants describe as “the NSA’s limitations on judicial review”—an
13 argument that Defendants never raised in either their opening or reply briefs. *See* D.E. 36
14 at 1-2. Defendants’ apparent attempt to use a notice of supplemental authority to inject a
15 new argument into the briefing is improper, and United’s response was therefore
16 necessary to object.

17 Defendants further overstated the significance of *Anthem* by arguing that the
18 decision “is relevant to all of United’s causes of action.” *Id.* at 2. That assertion is
19 incorrect and again goes beyond merely “inform[ing] the Court of a new judicial
20 opinion.” *Doe*, 492 F. Supp. 3d at 980. As United explained in its response, United asserts
21 independent claims arising from Defendants’ broader fraudulent billing scheme that
predates and extends beyond the NSA IDR process and thus falls outside even the

1 broadest reading of *Anthem*. United’s response was therefore separately necessary to
2 clarify that *Anthem* is not relevant to “all of United’s causes of action,” as Defendants’
3 wrongly asserted.

4 Had Defendants intended to “merely inform the Court of this decision,” they could
5 have done so in a single sentence. *See Doe*, 492 F. Supp. 3d at 980 (“If Defendant’s goal
6 was to merely inform the Court of this decision, it accomplished that within the first
7 sentence.”) But Defendants chose instead to selectively highlight purportedly relevant
8 portions of the decision, including portions related to new arguments, and further
9 advocate for the decision’s application to “all of United’s causes of action.” Having done
10 so, Defendants cannot now complain that United responded to those arguments in a
11 narrowly tailored filing directed solely to the issues Defendants themselves raised.

12 Defendants’ own cited cases confirm that responses to notices of supplemental
13 authority are not categorically improper. Indeed, in *Vega v. All My Sons Bus. Dev. LLC*,
14 583 F. Supp. 3d 1244 (D. Ariz. 2022), the court granted the defendant an extension of
15 time to file a response to the notice of supplemental authority. *Id.* (D.E. 82). The court,
16 however, ultimately struck the response after concluding that the notice itself did not
17 warrant a response and that the response improperly presented new evidence “and an
18 entirely new factual argument.” *Id.* at 1256. Unlike Defendants’ notice here, the notice
19 in *Vega* did not highlight aspects of the decision related to unraised arguments or contend
20 that the decision applied to all of the plaintiff’s claims. *Id.* (D.E. 80). Thus, the court
21 concluded that the “interests of fairness” did not entitle the defendant to a response. *Id.*
at 1256. Here, in contrast, considerations of fairness plainly warranted a limited response.

1 Courts have also permitted and considered responses to notices of supplemental
2 authority where appropriate. *See, e.g., Borteanu v. Nikola Corp.*, No. 20-cv-01797, 2023
3 WL 1472852, at *1 n.1 (D. Ariz. Feb. 2, 2023) (reviewing notices of supplemental
4 authority along with the plaintiffs' and defendants' responses to such notices); *Degginger*
5 *McGraw-Hill Glob. Educ. Holdings LLC*, No. 14-cv-02429, 2015 WL 9684900, at *1
6 (D. Ariz. Nov. 5, 2015) (same); *Borden v. Hartford Life & Accident Ins. Co.*, No. 15-cv-
7 00687, 2017 WL 11587902, at *1 (D. Ariz. Mar. 21, 2017) (same); *see also Bates v.*
8 *Dollar Loan Ctr., LLC*, No. 2:13-CV-1731, 2014 WL 5469221, at *1 n.1 (D. Nev. Oct.
9 28, 2014) (granting the party leave to file a response to the notice of supplemental
10 authority). And United's response was limited to aspects of the notice that were
11 objectionable or misleading.

11 CONCLUSION

12 For these reasons, Defendants' motion to strike should be denied. United's response
13 was narrowly tailored, addressed only the issues Defendants themselves raised in their
14 notice of supplemental authority, and was necessary to correct Defendants' improper
15 attempt to inject new arguments and overstate the scope of *Anthem*. Alternatively, if the
16 Court concludes that United exceeded the proper scope of a response, then United
17 requests that the Court likewise disregard the portions of Defendants' notice that go
18 beyond merely identifying the decision.

1 Dated: May 12, 2026

By: /s/ Jamie R. Kurtz

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CERTIFICATE OF SERVICE

The undersigned hereby certifies, under penalty of perjury under the laws of the State of Arizona that on May 12, 2026 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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