

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: ZELIS REPRICING ANTITRUST
LITIGATION

This Document Relates to:

All Actions

Lead Action Case No.: 1:25-cv-10734-BEM

Consolidated with Case Nos.:

1:25-cv-11092-BEM

1:25-cv-11167-BEM

1:25-cv-11537-BEM

JOINT STATUS REPORT

Pursuant to the Court's Order at the September 14, 2026, Case Management Conference (Dkt. 323), counsel for the parties respectfully submit this Joint Status Report.

I. JOINT STATUS REPORT

A. Structured Data Relevant Period

Plaintiffs' Statement: As directed by Magistrate Judge Boal at the September 14, 2026 Case Management Conference, Plaintiffs continue to meet and confer with Defendants regarding the Relevant Period for Defendants' structured data productions. Plaintiffs have requested structured data from January 1, 2012 to the present, while Defendants seek to limit their production from January 1, 2015 to August 31, 2025. As stated in the parties' prior Joint Status Report, Plaintiffs are willing to accept structured data through August 31, 2025 in order to expedite production, but reserving their ability to seek additional, later data, if necessary. Plaintiff cannot, however, agree to a start-date of January 1, 2015. That start date provides less than two years of pre-class period data before the class period begins on June 13, 2016. This is an insufficient baseline for the extensive data analysis and econometric modeling to be conducted by various experts in this case.

The parties have reached an impasse. As such, Plaintiffs will seek the Court's guidance on the issue.

Defendants' Statement: For the reasons stated on the record at the September 14, 2026 case management conference, Defendants' proposed relevant time period for their structured data productions is reasonable, proportional to the needs of the case, and provides sufficient data prior to the start of the alleged conspiracy for Plaintiffs to perform the analysis and modeling they intend to conduct. Since the September 14 conference, the parties continued to confer but have now reached an impasse on this dispute. Should Plaintiffs move to compel structured data for a broader period of time, Defendants will respond in accordance with the briefing schedule ordered by the Court. *See* ECF 323.

B. Search Terms

Plaintiffs' Statement: Also in accordance with Magistrate Judge Boal's Order (Dkt. 323), Plaintiffs continue to meet and confer with Defendants regarding search terms. Since the Court directed Defendants to disclose whether they will use TAR, several Defendants have made these disclosures. Plaintiffs await the disclosures of the remaining Defendants, which are due today. Obviously, the use of TAR impacts the scope of the search terms that would be appropriate.

Since the September 14, 2026 Case Management Conference, Plaintiffs have continued to meet and confer with Defendants regarding an appropriate set of search terms, accounting for whether that Defendant will use TAR as a second-layer responsiveness cull. Plaintiffs believe they are close to reaching agreement with United Healthcare, and are continuing to meet and confer with the remaining Defendants. To narrow the disputes and reach agreement, Plaintiffs have agreed

to accept a substantial majority of United's, Zelis' Elevance's, and Humana's¹ search term proposals, and have proposed narrowed, additional strings sparingly where the concept is not otherwise captured.

Defendants' Statement: Defendants object to Plaintiffs' inclusion of search-term related disputes in this joint status report as contrary to the Court's directives at the September 14 conference. Defendants disagree with Plaintiffs' characterizations of the parties' ongoing negotiations regarding search terms (including their baseless insinuation that Aetna and Cigna have not been cooperative).² The parties are continuing to meet and confer to resolve their disputes regarding search terms and have narrowed several of those disputes. Should Plaintiffs move to compel the use of search terms to which Defendants have objected, Defendants will respond in accordance with the briefing schedule ordered by the Court. *See* ECF 323.

¹ Plaintiffs are working expeditiously to complete and provide their positions to Cigna and Aetna. These Defendants, unlike their co-Defendants, have made little-to-no compromises and reasserted their original July 1 search term proposals, leaving Plaintiffs to counter their own proposals. Despite this, Plaintiffs will make a final good faith attempt to avoid Court intervention.

² For example, Plaintiffs are wrong to suggest that Aetna Inc. has made "little-to-no compromises" or that it has simply "reasserted [its] original" search-term proposal. Following its meet and confer with Plaintiffs, Aetna Inc. accepted *in full* Plaintiffs' edits to *more than half* of Aetna Inc.'s proposed terms. Aetna Inc. remains willing to consider any additional proposed modifications that Plaintiffs propose in good faith. What Aetna Inc. is unwilling to do is accept additional proposed terms that go beyond the scope of what Aetna Inc. agreed to produce as part of its responses and objections to Plaintiffs' RFPs. Plaintiffs raised no objection to Aetna Inc.'s Responses and Objections for more than two months after they were served. Those objections are not timely and the court should reject them as a reason to expand the search terms Aetna Inc. must review for the reasons Aetna Inc. stated in the September 4th Joint Status Report.

As for Cigna, Plaintiffs' last two proposals to Cigna suffered from pervasive technical issues and returned hits on *every* document against which they were run—confirming Cigna's concern that they are overbroad, unduly burdensome, and not appropriately tailored—and Plaintiffs still have not provided a counterproposal despite Cigna's September 16, 2026 request, though Cigna remains willing to consider reasonable, targeted proposals.

Dated: September 18, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of September 2026, I caused a copy of the foregoing to be served, via ECF, on all counsel of record.

/s/ Richard M. Paul III