

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

IN RE: ZELIS REPRICING ANTITRUST
LITIGATION

This Document Related to:
All Actions

) Lead Action Civil Action 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
)
) Hearing Date: September 14, 2026
) Time: 2:30 p.m.
) Judge: Mag. Judge Jennifer C. Boal
) Courtroom: 14

Leave to File Excess Pages Granted on
August 28, 2026

**NOTICE OF ERRATA RE DECLARATION OF JASON HARTLEY IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO COMPEL
PRODUCTION OF DOCUMENTS**

PLEASE TAKE NOTICE that Plaintiffs file this Errata as it relates to the Declaration of Jason Hartley in Support of Plaintiffs' Opposition to Defendants' Motion to Compel Production of Documents ("Declaration"), filed with this Court on September 8, 2026, at Dkt. No. 308-1.

Plaintiffs' counsel discovered that certain information that was referenced in Plaintiffs' Opposition Memorandum (Dkt. 308) was inadvertently omitted from Paragraph 15 of the Declaration. To avoid any confusion to the Court or counsel, Plaintiffs hereby attach a Corrected Declaration of Jason Hartley in support of their Opposition to Defendants' Motion to Compel Production of Documents as Exhibit A hereto. The only change is conformance of Paragraph 15 of the Declaration with the Brief (Dkt. No. 308).

Dated: September 10, 2026

Respectfully submitted,

/s/ Jason S. Hartley

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CERTIFICATE OF SERVICE

I, Jason S. Hartley, attorney for the Plaintiffs, certify that, on September 10, 2026, I caused a copy of the foregoing to be served, via ECF, on all counsel of record.

/s/ Jason S. Hartley

Jason S. Hartley

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: ZELIS REPRICING ANTITRUST LITIGATION	Lead Action Case No.: 1:25-cv-10734-BEM
This Document Relates To:	<i>Consolidated with Case Nos.:</i> <i>1:25-CV-11092-BEM</i> <i>1:25-CV-11167-BEM</i> <i>1:25-CV-11537-BEM</i>
All Associated Cases	

**[CORRECTED] DECLARATION OF JASON S. HARTLEY IN SUPPORT OF
PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS'
MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

DECLARATION OF JASON S. HARTLEY

I, Jason S. Hartley, hereby declare and state as follows:

1. I am a partner at the law firm of Hartley LLP. I am an attorney in good standing in the State of California, and I am admitted to practice *pro hac vice* in this Court. I am co-lead counsel for the Plaintiffs in the above-captioned matter. I have prepared this declaration upon my personal knowledge and review of available documentation.

2. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiffs' August 4, 2026 letter to Defendants.

3. Attached hereto as **Exhibit B** is a true and correct copy of Plaintiffs' August 17, 2026 letter to Defendants.

4. Attached hereto as **Exhibit C** is a true and correct copy of Plaintiffs' August 19, 2026 letter to Defendants.

5. Attached hereto as **Exhibit D** is a true and correct copy of Plaintiffs' August 24, 2026 letter to Defendants.

6. Attached hereto as **Exhibit E** is a true and correct copy of Plaintiffs' August 28, 2026 letter to Defendants.

7. Attached hereto as **Exhibit F** is a true and correct copy of Plaintiffs' First Set of Requests for Production of Documents.

8. Attached hereto as **Exhibit G** is a true and correct copy of Defendants' Motion to Compel Production of Documents, filed in *In re MultiPlan Health Insurance Provider Litigation*, Case No. 1:24-cv-6795, MDL No. 3121 (N.D. Ill.), at docket number 648.

9. Attached hereto as **Exhibit H** is a true and correct copy of the Court's Order granting in part and denying in part Defendants' Motion to Compel Production of Documents, filed

in *In re MultiPlan Health Insurance Provider Litigation*, Case No. 1:24-cv-6795, MDL No. 3121 (N.D. Ill.), at docket number 662.

10. Attached hereto as **Exhibit I** is a true and correct copy of the Transcript of Proceedings – Motions in Limine, filed in *In re Broiler Chicken Antitrust Litigation*, Case No. 16 C 8637 (N.D. Ill. Aug. 25, 2023), at docket number 6819.

11. On July 17—less than fifteen minutes before the parties were scheduled to meet and confer—Defendants sent Plaintiffs the letter attached as Exhibit 3 to the Declaration of Matthew L. McGinnis (“McGinnis Decl.”). Despite the short notice, Plaintiffs met and conferred with Defendants and agreed to respond more fully by letter.

12. On August 13, a little more than an hour before the parties were scheduled to meet and confer, Defendants sent Plaintiffs the letter attached as Exhibit 6 to the McGinnis Declaration. Despite the short notice, Plaintiffs met and conferred with Defendants and agreed to respond more fully by letter.

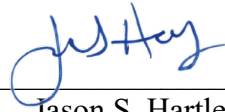
13. Most of Plaintiffs’ services are provided through some INN agreement and the ratio is dramatic. For example, Plaintiff PIMG’s ratio for its recent payments was roughly 88% INN and 12% OON. Another Plaintiff, Ayer’s is roughly 90% INN and 10% OON. PIMG averages 27,000 claims a month, including both INN and OON. Accordingly, an order requiring PIMG to produce its INN claims for the entire relevant time period could require the collection, privilege review, and production of millions of additional claims—not to mention all of the additional documents “referencing” those claims that Defendants also seek.

14. Some of the Plaintiffs are disregarded legal entities, so the tax records Defendants seek would actually be individuals’ records containing highly sensitive and confidential personally

identifiable information. These Plaintiffs are Dennis C. Ayer, DDS, LLC, Danny Bouchoua Chiropractic, APC, and Frank J. Scaccia, M.D., F.A.C.S., L.L.C.

15. Defendants' total document corpus before searching and production is only 347,674 for Humana and 614,952 for Aetna, each with tens of thousands of employees. The other Defendants have not yet disclosed the size of their document corpora.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on this 10th of September, 2026.



Jason S. Hartley

CERTIFICATE OF SERVICE

I, Jason S. Hartley, attorney for the Plaintiffs, certify that, on September 10, 2026, I caused a copy of the foregoing to be served, via ECF, on all counsel of record.

/s/ Jason S. Hartley

Jason S. Hartley