

LATHAM & WATKINS LLP
 David J. Schindler (Bar No. 130490)
david.schindler@lw.com
 Manuel A. Abascal (Bar No. 171301)
manny.abascal@lw.com
 355 South Grand Avenue, Suite 100
 Los Angeles, California 90071-1560
 Telephone: +1.213.485.1234
 Facsimile: +1.213.891.8763

LATHAM & WATKINS LLP
 Daniel Meron (appearing *pro hac vice*)
daniel.meron@lw.com
 Abid R. Qureshi (appearing *pro hac vice*)
abid.qureshi@lw.com
 555 Eleventh Street, NW, Suite 1000
 Washington, DC 20004-1304
 Telephone: +1.202.637.2200
 Facsimile: +1.202.637.2201

BARTLIT BECK LLP
 Sean W. Gallagher (appearing *pro hac vice*)
sean.gallagher@bartlitbeck.com
 Cindy L. Sobel (appearing *pro hac vice*)
cindy.sobel@bartlitbeck.com
 54 W. Hubbard Street, Suite 300
 Chicago, Illinois 60654-8174
 Telephone: +1.312.494.4400
 Facsimile: +1.312.494.4440

BARTLIT BECK LLP
 Andrew C. Baak (appearing *pro hac vice*)
andrew.baak@bartlitbeck.com
 1801 Wewatta Street, Suite 1200
 Denver, Colorado 80202-6318
 Telephone: +1.303.592.3100
 Facsimile: +1.303.592.3140

Attorneys for United Defendants

**UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA *ex*
rel. BENJAMIN POEHLING,

Plaintiff,

v.

UNITEDHEALTH GROUP, INC. *et*
al.,
 Defendants.

CASE NO. 2:16-cv-08697-FMO-SSx

**UNITEDHEALTH'S NOTICE OF
 UNOPPOSED MOTION AND
 MOTION TO UNSEAL RELATOR'S
 INITIAL COMPLAINT**

Date: November 3, 2022
 Time: 10:00 a.m.
 Court: Hon. Fernando M. Olguin

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on November 3, 2022, at 10:00 a.m., or as soon thereafter as the parties may be heard, in Courtroom 6D of the United States District Court, Central District of California, located at 350 W. 1st Street, Los Angeles, California 90012, Honorable Fernando M. Olguin presiding, UnitedHealth will, and hereby does, move the Court to unseal Relator's initial Complaint.

This Motion is based upon the pleadings and other papers on file herein, any matters of which the Court may take judicial notice, and such argument and evidence as may be presented in connection with the hearing of this Motion.

1 Dated: October 4, 2022

Respectfully submitted,
LATHAM & WATKINS LLP
DAVID J. SCHINDLER
MANUEL A. ABASCAL
DANIEL MERON
ABID R. QURESHI

By /s/ David J. Schindler
David J. Schindler
Attorneys for United Defendants

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sean.gallagher@bartlitbeck.com
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andrew.baak@bartlitbeck.com
16 1801 Wewatta Street, Suite 1200
17 Denver, Colorado 80202-6318
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Facsimile: +1.303.592.3140

Attorneys for United Defendants

1 PLEASE TAKE NOTICE that Defendant UnitedHealth moves for an order
2 unsealing Docket Entry 1, the initial complaint filed by relator Benjamin Poehling
3 on or around March 24, 2011.

4 The aforementioned complaint remains under seal and, therefore, unavailable
5 to UnitedHealth. The earliest version of any complaint in this litigation to which
6 UnitedHealth has access is the relator's First Amended Complaint. UnitedHealth
7 seeks the initial complaint filed by the relator in advance of his deposition, which is
8 currently scheduled for October 18, 2022.

9 UnitedHealth accordingly moves that the initial complaint filed by the relator
10 be unsealed.

11 Neither the United States nor the Relator Benjamin Poehling oppose this
12 motion. *See* Ex. A, Email Correspondence with Counsel for the United States and
13 Benjamin Poehling.

14 UnitedHealth's motion is based on this Notice and Motion; any pleadings,
15 files, and records in this action; and further evidence or argument as this Court may
16 consider.

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1 Dated: October 4, 2022

Respectfully submitted,
LATHAM & WATKINS LLP
DAVID J. SCHINDLER
MANUEL A. ABASCAL
DANIEL MERON
ABID R. QURESHI

By /s/ David J. Schindler
David J. Schindler
Attorneys for United Defendants

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Facsimile: +1.312.494.4440

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17 Denver, Colorado 80202-6318
18 Telephone: +1.303.592.3100
Facsimile: +1.303.592.3140

Attorneys for United Defendants

EXHIBIT A

From: [Hartman, Anne](#)
To: [Jameson Jones](#); Martha.N.Glover@usdoj.gov; [Andrew Baak](#); Linda.McMahon2@usdoj.gov; Amy.L.Likoff@usdoj.gov; Jack.Ross@usdoj.gov; Gregory.A.Mason@usdoj.gov; Jessica.E.Krieg@usdoj.gov; Wendy.Z.Zupac@usdoj.gov; Jessica.L.Sweeney2@usdoj.gov; Robert.McAuliffe@usdoj.gov; Edward.Crooke@usdoj.gov; John.Lee2@usdoj.gov; UHG-RelatorsCounsel@Lists.SusmanGodfrey.com
Cc: ABID.QURESHI@LW.com; Daniel.Meron@lw.com; David.Schindler@lw.com; Manny.Abascal@lw.com; Kirstin.SchefflerDo@lw.com; David.Rowe@lw.com; Samantha.Koppel@lw.com; Heather.Blakeman@lw.com; Lauren.Hadiaris@lw.com; [Mailing List - Poehling](#)
Subject: RE: United States ex rel. Poehling v. United Health Group, Inc., et al.
Date: Tuesday, October 4, 2022 1:19:07 PM

Caution: External Message

Confirmed that Relator will not oppose.

Anne Hayes Hartman

CONSTANTINE | CANNON

Direct: (415) 766-3532

email: ahartman@constantinecannon.com

From: owner-uhg-relators-counsel@lists.susmangodfrey.com <owner-uhg-relators-counsel@lists.susmangodfrey.com> **On Behalf Of** Jameson Jones
Sent: Tuesday, October 4, 2022 11:12 AM
To: Martha.N.Glover@usdoj.gov; [Andrew Baak <andrew.baak@bartlitbeck.com>](mailto:Andrew.Baak@bartlitbeck.com); Linda.McMahon2@usdoj.gov; Amy.L.Likoff@usdoj.gov; Jack.Ross@usdoj.gov; Gregory.A.Mason@usdoj.gov; Jessica.E.Krieg@usdoj.gov; Wendy.Z.Zupac@usdoj.gov; Jessica.L.Sweeney2@usdoj.gov; Robert.McAuliffe@usdoj.gov; Edward.Crooke@usdoj.gov; John.Lee2@usdoj.gov; UHG-RelatorsCounsel@Lists.SusmanGodfrey.com
Cc: ABID.QURESHI@LW.com; Daniel.Meron@lw.com; David.Schindler@lw.com; Manny.Abascal@lw.com; Kirstin.SchefflerDo@lw.com; David.Rowe@lw.com; Samantha.Koppel@lw.com; Heather.Blakeman@lw.com; Lauren.Hadiaris@lw.com; Mailing List - Poehling <poehling@bartlitbeck.com>
Subject: RE: United States ex rel. Poehling v. United Health Group, Inc., et al.

Martha,

Thanks for your email. We presume that your statement of non-opposition to unsealing the initial complaint covers the Relator as well. We will be filing an unopposed motion soon, so please let us know ASAP if this is not correct.

Best,

Jameson

BartlitBeck LLP

JAMESON JONES | p: 303.592.3123 | c: 785.218.7957 | Jameson.Jones@BartlitBeck.com | 1801 Wewatta St., Suite 1200, Denver, CO 80202

This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message.

From: Martha.N.Glover@usdoj.gov <Martha.N.Glover@usdoj.gov>

Sent: Friday, September 30, 2022 12:23 PM

To: Andrew Baak <andrew.baak@bartlitbeck.com>; Linda.McMahon2@usdoj.gov; Amy.L.Likoff@usdoj.gov; Jack.Ross@usdoj.gov; Gregory.A.Mason@usdoj.gov; Jessica.E.Krieg@usdoj.gov; Wendy.Z.Zupac@usdoj.gov; Jessica.L.Sweeney2@usdoj.gov; Robert.McAuliffe@usdoj.gov; Edward.Crooke@usdoj.gov; John.Lee2@usdoj.gov; UHG-RelatorsCounsel@Lists.SusmanGodfrey.com

Cc: ABID.QURESHI@LW.com; Daniel.Meron@lw.com; David.Schindler@lw.com; Manny.Abascal@lw.com; Kirstin.SchefflerDo@lw.com; David.Rowe@lw.com; Samantha.Koppel@lw.com; Heather.Blakeman@lw.com; Lauren.Hadiaris@lw.com; Mailing List - Poehling <poehling@bartlitbeck.com>

Subject: RE: United States ex rel. Poehling v. United Health Group, Inc., et al.

Andy,

We believe you do need to file a motion to unseal the complaint. We will not oppose your motion.

Martha

Martha N. Glover

Trial Attorney

U.S. Department of Justice

Civil Division, Fraud Section

(202) 353-1270

Martha.N.Glover@usdoj.gov

From: Andrew Baak <andrew.baak@bartlitbeck.com>

Sent: Monday, September 26, 2022 6:42 PM

To: Glover, Martha N. (CIV) <Martha.N.Glover@usdoj.gov>; McMahon, Linda M (CIV) <Linda.McMahon2@usdoj.gov>; Likoff, Amy L. (CIV) <Amy.L.Likoff@usdoj.gov>; Ross, Jack (USACAC) 4 <jross4@usa.doj.gov>; Mason, Gregory A. (CIV) <Gregory.A.Mason@usdoj.gov>; Krieg, Jessica E. (CIV) <Jessica.E.Krieg@usdoj.gov>; Zupac, Wendy Z. (CIV) <Wendy.Z.Zupac@usdoj.gov>; Sweeney, Jessica L. (CIV) <Jessica.L.Sweeney2@usdoj.gov>; McAuliffe, Robert (CIV) <Robert.McAuliffe@usdoj.gov>; Crooke, Edward (CIV) <Edward.Crooke@usdoj.gov>; Lee, John (USACAC) <JLee1@usa.doj.gov>; UHG-RelatorsCounsel@Lists.SusmanGodfrey.com

Cc: ABID.QURESHI@LW.com; Daniel.Meron@lw.com; David.Schindler@lw.com; Manny.Abascal@lw.com; Kirstin.SchefflerDo@lw.com; David.Rowe@lw.com; Samantha.Koppel@lw.com; Heather.Blakeman@lw.com; Lauren.Hadiaris@lw.com; Mailing List - Poehling <poehling@bartlitbeck.com>

Subject: [EXTERNAL] United States ex rel. Poehling v. United Health Group, Inc., et al.

Counsel,

At your earliest convenience, please provide us a copy of the initial complaint filed by Ben Poehling on or around March 24, 2011. Although we don't believe it is necessary, if you think that a formal unsealing order by the Court is required, we can prepare a stipulation.

Regards,
Andy

BartlitBeck LLP

Andrew C. Baak | p: 303.592.3133 | m: 773.220.1814 | Andy.Baak@BartlitBeck.com | 1801 Wewatta Street, 12th Floor, Denver, Colorado 80202

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LATHAM & WATKINS LLP
David J. Schindler (Bar No. 130490)
david.schindler@lw.com
Manuel A. Abascal (Bar No. 171301)
manny.abascal@lw.com
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**[PROPOSED] ORDER GRANTING
UNOPPOSED MOTION TO UNSEAL
RELATOR'S INITIAL COMPLAINT**

