

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

ELEVANCE HEALTH, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Civil Action No. 2:26-cv-61
DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, et al.,	)	
	)	
Defendants.	)	

RESPONSE TO MOTION FOR BRIEFING SCHEDULE

Plaintiffs have filed a motion for a briefing schedule. Doc. 28. Because their motion asks this Court to vacate its order staying all deadlines in the case, Doc. 16, Plaintiffs' motion should rightly be considered a motion for reconsideration. That motion should be denied.

Defendants do not object in principle to the entry of a briefing schedule that kicks in if the mediation on July 24, 2026, is unsuccessful. But Plaintiffs' proposal is the wrong approach. It would place unnecessary burdens on Defendants, impeding the ability both to prepare effectively for mediation and to defend themselves on the merits. Defendants are already working on the required mediation statement as well as a proposal to resolve this matter. *See* Doc. 30 at 2. Both documents must be drafted and approved at multiple levels of agency review before submission. To add a response brief to this same compressed timeline—a brief which must itself undergo multiple levels of agency review—is not feasible and prejudices Defendant's ability to present their position on an important issue before the Court. It certainly does not

give Defendants “extra time,” as Plaintiffs claim. Doc. 28, ¶ 9. Instead, Plaintiffs’ draconian deadline would leave Defendants no choice but to devote significant time and resources into drafting a response brief that may never be necessary and away from preparing for mediation. Plaintiffs even concede this is their goal: they want Defendants to “draft[] a response brief during the Administrative Stay.” *Id.* This Court’s Order already instructed the parties to mediate, and the Court stayed all deadlines so the parties could focus their energy and attention on mediation rather than on motions practice. Defendants did not ask for mediation, but if it is to have a meaningful chance of success, the Court should continue this approach and leave the stay in place.

In the alternative, even if this Court were inclined to reconsider its Order, it should not adopt the briefing schedule proposed by Plaintiffs. To the extent the Court is inclined to enter one now, the Court should look to the local rules. Local Rule 7.5 allows parties 14 days in which to respond to motions. This motion was served on the Office of the United States Attorney for the Southern District of Georgia on July 8, 2026. *See* Doc. 28, ¶ 2. The Court entered the stay on July 9, 2026. Doc. 16. Therefore, 13 days remain on Defendants’ deadline. A response to the motion for injunctive relief should be due on August 6, 2026, 13 days after the mediation.

Defendants recognize that Plaintiffs have alleged they will suffer harm if they do not receive relief sometime in mid-August and that their concerns about this harm motivate their request for an expedited briefing schedule. *See* Doc. 7 at 21 (seeking relief “on or around August 14, 2026”); Doc. 28, ¶ 3. Plaintiffs argue that their 2026

Star Ratings must be recalculated on or before August 14 or else the “window of opportunity” to submit new Medicare Advantage bids will close. Doc. 28, ¶ 3.

But that window has already closed. It closed before Plaintiffs even filed suit. As Plaintiffs acknowledge, federal law requires the submission of bids to Centers for Medicare and Medicaid Services (“CMS”) by the first Monday in June. *See* 42 U.S. Code § 1395w-24(a)(1)(A); 42 C.F.R. § 422.254(a)(1); Doc. 7 at 7. The statute does not allow for resubmission of bids in late August. Plaintiffs have been aware of Elevance’s 2026 Star Rating since October 9, 2025. Doc. 1, ¶ 42. If Plaintiffs believed the calculation of those Star Ratings was in error, nothing prevented them from challenging them long before the bid deadline. Indeed, as Plaintiffs are plainly aware, another insurance company sought Star-Ratings relief from this Court within sufficient time for the 2027 ratings period. *See Clover Ins. Co. v. U.S. Dep’t of Health & Hum. Servs.*, No. 2:25-cv-142, 2026 WL 1483515, at *1 (S.D. Ga. May 27, 2026) (Wood, J.), *on reconsideration*, 2026 WL 1510382 (S.D. Ga. May 29, 2026). Even after this Court entered its *Clover* decision on May 27, 2026, Plaintiffs still chose to wait nearly six weeks (and nearly a week after filing their complaint) before seeking injunctive relief. These factors weigh against Plaintiffs’ claims of urgency.

In addition, Plaintiffs’ claims of urgency pertaining to bid resubmission do not relate to the relief sought in the instant motion for injunctive relief. Specifically, though the Complaint seeks an order from this Court allowing Elevance to resubmit a Medicare Advantage bid, *see* Doc. 1 at 22, Plaintiffs did not seek injunctive relief to allow them to resubmit a bid. Instead, they seek “only” that Defendants recalculate

Elevance's 2026 Star ratings. Doc. 7 at 24. Any other relief is therefore not properly before the Court at this time.

Therefore, Defendants ask that this Court deny Plaintiffs' motion for an expedited briefing schedule. In the alternative, Defendants submit that their response should be due on or before August 6, 2026.

Respectfully submitted,

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