



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 1, 2026

Via ECF

The Honorable Katharine H. Parker
United States District Court
500 Pearl Street
New York, New York 10007

Re: *United States of America v. Anthem, Inc.*, No. 20 Civ. 2593 (ALC) (KHP)

Dear Judge Parker:

This Office represents the Government in the above-referenced matter. We write concerning two disputes the parties intend to address at the upcoming conference scheduled for July 7, 2026. The first dispute arises from Anthem's ongoing deficient response to one of the Government's requests in its Seventh Set of Requests for Production ("RFPs"), which were served on February 20, 2026.¹ The parties raised disputes concerning Anthem's response to these interrogatories at the last conference, held on May 19, 2026, and the Court issued an order concerning Anthem's response. Dkt. No. 516. Anthem has nonetheless continued to refuse to appropriately respond to one of the requests. The other dispute arises from Anthem's wholesale refusal to answer any of the Government's Second Set of Interrogatories, which were served on May 1, 2026.

I. Anthem's Response to RFP 7-5 Is Still Deficient

Anthem should be required to promptly produce the final version of its "2 way review protocol," which would reflect Anthem's final policy concerning its chart review "looking both ways"—*i.e.*, deleting unsupported diagnosis codes as a result of chart review, instead of only adding them. RFP 7-5 seeks Anthem's written policies governing chart review "looking both ways." In advance of the May 19 conference, Anthem only agreed to produce policies dated June 1, 2013, through March 1, 2017, even though Anthem knew that no such policy had been finalized (or even, it appears, drafted) by March 1, 2017. Thus, Anthem initially sought to avoid a substantive response by applying limitations that it knew would generate a null set.

As the Government explained at the May 19 conference, Anthem previously produced a draft policy, which was circulated on February 19, 2018 (*i.e.*, nearly a year after Anthem's proposed cut-off date).

s. *See* Ex. A.

See id.

¹ The parties had planned to raise another dispute concerning Anthem's response to the Seventh Set of RFPs at the conference but were able to resolve that issue.

at 3.

Id.

Id. at 12.

Id. at 7.

At the May 19 conference, Anthem argued that it should not have to search for or produce the final versions of the draft policies. The Court rejected Anthem's argument, explaining that "the Government has satisfactorily demonstrated that a final chart-review policy concerning the identification or deletion of unsupported diagnosis codes is relevant to feasibility of conducting a so-called two-way review." Dkt. No. 516 at 5. The Court ordered the Government to "identify for Anthem the Bates number of the draft policy in its possession for which it seeks a final version" and ordered Anthem to "look for and produce the corresponding final policy, if one exists, and regardless of how any final version of the policy may differ from the draft identified by the Government, up to and including the first finalized policy on that subject if one was finalized on or before December 31, 2018." *Id.* at 5-6. The Court further ordered that "[i]f no such policy was finalized by the end of 2018, Anthem shall identify when, if ever, the policy was finalized." *Id.*²

After the conference, the Government directed Anthem to [REDACTED], and asked Anthem to search for and produce the final versions of those policies. Anthem has, however, taken the meritless position that the "2 way review protocol," [REDACTED], is not a policy, and therefore refused to search for a final version of this protocol. Anthem also asserts that, at the conference, the Government referred to a "policy" in the singular, and the Court's Order uses the term "policy," so Anthem can only be required to produce the final version of one of the three interrelated policy documents and would only search for the final version of the Claims Validation policy.³ Today, Anthem informed the Government that no final version of the draft Claims Validation policy exists. This means that Anthem is refusing to search for or produce what would be the only final two-way look policy.

The Government apologizes to the extent that counsel misspoke at the May 19 conference and suggested it was seeking a single document. However, the final version of the "2 way review protocol" is plainly responsive to RFP 7-5 and relevant to the feasibility of conducting a two way review, as the Court recognized. Further, the "protocol" and "Claims Validation" document were interrelated documents that together comprised the draft two-way look policy. As it appears there is no final version of the Claims Validation document, it is all the more important for Anthem to produce the final version of the two way look protocol.

Anthem's attempt to avoid its obligation to search for a document with such clear relevance—and having already lost on this issue at the previous conference—does not exhibit the

² During the May 19, 2026, conference, the Court ordered that Anthem was to produce any policy that was finalized by the end of 2019, rather than the end of 2018. Tr. at 27-28.

³ Anthem later informed the Government that the final version of RA 117 has already been produced.

respect for Federal Rule of Civil Procedure 1 that the Court expects. *See* Individual Civil Practices of Hon. Katharine H. Parker II.c; *Sound Around, Inc. v. Friedman*, No. 24 Civ. 1986 (DLC) (KHP), 2025 WL 1531691, at *4 (S.D.N.Y. May 28, 2025). Indeed, the Court warned at the May 19 conference that Anthem should not attempt to use a rigid interpretation of the Court's directions to avoid identifying a relevant policy, instructing that "it doesn't have to be the exact name of the exact document because another person might have revised it and saved it in a different name." Tr. 29. Anthem should be required to search for and produce the final version of the 2 way review protocol.

II. Anthem Inappropriately Refused to Answer Any of the Government's Second Set of Interrogatories

The Court's December 22, 2025, scheduling order, Dkt. No. 425, provided a deadline for the parties to serve interrogatories before the close of discovery, and both parties did so, with the Government serving twenty-three interrogatories (in addition to two it previously served) and Anthem serving twenty-five interrogatories (in addition to five it previously served). The parties' case management plan provided that each party could serve up to thirty-five interrogatories. Dkt. No. 84 at 5. The Government painstakingly responded to Anthem's interrogatories and provided substantive and sworn answers to almost all of them. Meanwhile, Anthem refused to provide a single sworn answer to any of the Government's interrogatories even in part. *See* Ex. B. Instead, Anthem interposed a series of largely boilerplate objections to each interrogatory that fail to make clear the basis for Anthem's complete refusal to answer. Anthem's responses are woefully deficient.

Based on its letter to the Court opposing the Government's request to submit a position statement on this issue, Dkt. No. 534, Anthem relies primarily on its argument that the Government's interrogatories contain improper subparts and the Government has therefore exceeded the limit on the permissible number of interrogatories. This argument is meritless.

First, Anthem interposed this objection to every single interrogatory (even those that plainly do not have any subparts), and did not specify which portions of particular interrogatories it contends constitute separate subparts.

Moreover, when the parties met and conferred about this issue, Anthem espoused an interpretation of this principle that would render interrogatories largely useless. For example, the Government's first interrogatory seeks, for each year during a specific defined period, the total risk adjustment payments Anthem received from CMS as a result of diagnosis codes identified through the chart review program, and the methodology and data sources Anthem used to make these calculations. Anthem documents regularly reference specific figures for chart review revenues at particular points in time, *see, e.g.*, Ex. C [REDACTED], and this interrogatory seeks total figures by year. During the parties' meet-and-confer, Anthem asserted that Anthem's payments for each year must be requested in a separate interrogatory, and that identifying the methodology and data sources used to calculate those payments would require separate interrogatories still. According to Anthem, simply trying to ascertain Anthem's payments from its chart review program over, say, four years, would require the Government to use twelve of its available thirty-five interrogatories.

Anthem's purported understanding of the Federal Rules of Civil Procedure finds no grounding in case law. It is true that Federal Rule of Civil Procedure 33(a)(1) counts "discrete

subparts” as separate interrogatories. But to count separately, such “subparts” must be “discrete,” *i.e.*, independent of each other. Thus, even where an interrogatory contains subparts, those subparts are not counted separately toward the limit if they are “factually interconnected and dependent upon the question posed by the basic interrogatory.” *Ritchie Risk-Linked Strategies Trading (Ir.), Ltd. v. Coventry First LLC*, 273 F.R.D. 367, 369 (S.D.N.Y. 2010); *see also, e.g., Murakhovskaya v. Neos S.p.A.*, No. 24-CV-05917 (HG), 2025 WL 45384, at *1 (E.D.N.Y. Jan. 8, 2025) (interrogatory about “allegedly injured parts of Plaintiff’s body and what clothing she was wearing on those parts of her body” was “one interrogatory because the subparts are ‘interwoven’” into the common theme of Plaintiff’s injury”). Here, the Government seeks annual revenue information for the time period at issue because the figure for each year is relevant and proportional. And, as noted above, there is reason to believe from Anthem’s records—as well as basic accounting practices that any large company likely follows—that the information is tallied on a yearly basis. Each yearly total is, plainly, “factually interconnected and dependent upon the question posed by the basic interrogatory.” *Ritchie*, 273 F.R.D. at 369. A contrary rule would render Rule 33 useless in complex cases.

Nonetheless, in an effort to address Anthem’s concerns, the Government agreed to modify a few of its interrogatories, and informed Anthem’s counsel of this by email on Tuesday, June 30.⁴ In light of these modifications, and the fact that the Government only served a total of twenty-five interrogatories to begin with, Anthem has no valid basis to maintain its numerosity objection (much less without even specifying which interrogatories purportedly have improper subparts and how many).

During the parties’ discussions, Anthem also asserted that many of the Government’s interrogatories are not permissible because they are not contention interrogatories, which Anthem argues are the only form of interrogatory permissible in this District at this stage of the case. As support for this supposed limitation—which notably is not even one of the stated objections set forth in Anthem’s responses and is therefore waived—Anthem pointed to Local Rule 33.3(c), which states that, “[a]t the conclusion of other discovery, and at least 30 days prior to the discovery cut-off date, interrogatories seeking the claims and contentions of the opposing party *may* be served unless the Court has ordered otherwise.” (emphasis added). However, this rule in no way suggests that a party can only serve contention interrogatories toward the end of fact discovery, or that it cannot—as the Government has done here—seek to fill gaps in discovery by seeking specific factual information.

Indeed, Local Rule 33.3(b) expressly provides that interrogatories seeking information beyond the discrete categories specified in Local Rule 33.3(a) may be served “[d]uring discovery . . . if they are a more practical method of obtaining the information sought than a request for production or a deposition.” The Government’s interrogatories meet this condition. For example, many of the Government’s non-contention interrogatories are directed at topics about which Anthem witnesses claimed during depositions to lack knowledge or to have forgotten. In such circumstances, an interrogatory to a party serves to answer a question that witnesses have not. And notably, Anthem’s own interrogatories are not exclusively contention interrogatories, suggesting that this purported interpretation is a matter of recent convenience rather than genuine conviction.

⁴ Specifically, the Government agreed to modify Interrogatory Nos. 2, 6, 13, 14, and 16, as set forth in the attached table. *See* Ex. D.

Anthem should be required to answer the Government's interrogatories, without reliance on its baseless interpretation of what constitute subparts. And to the extent Anthem asserts that there is another basis for refusing to answer an interrogatory, Anthem must specify what that basis is. *See, e.g., Shahzad v. Cnty. of Nassau*, No. 13-CV-2268 (SJF) (SIL), 2014 WL 4805022, at *3 (E.D.N.Y. Sept. 26, 2014) ("Defendants' across-the-board 'rejection' of Plaintiff's interrogatories violates Federal Rule 33, which states in relevant part that '[e]ach interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath,' and that 'the grounds for objecting to an interrogatory must be stated with specificity.'" (quoting Fed .R. Civ. P. 33(b)(3)-(4)); *Pegoraro v. Marrero*, 281 F.R.D. 122, 128–29 (S.D.N.Y. 2012) ("The grounds for objecting to any interrogatory must be stated with specificity [B]oilerplate objections that include unsubstantiated claims of undue burden, overbreadth and lack of relevancy, while producing no documents and answer[ing] no interrogatories . . . are a paradigm of discovery abuse." (citation omitted)).

Moreover, where Anthem asserts that it can only properly be required to partially answer an interrogatory, it must do so, rather than interpose general boilerplate objections to the interrogatory as a whole. *See, e.g., Fed. R. Civ. P. 33 Advisory Committee Notes* (noting that subparagraph (b) "emphasize[s] the duty of the responding party to provide full answers to the extent not objectionable" and explaining that "[i]f, for example, an interrogatory seeking information about numerous facilities or products is deemed objectionable, but an interrogatory seeking information about a lesser number of facilities or products would not have been objectionable, the interrogatory should be answered with respect to the latter even though an objection is raised as to the balance of the facilities or products"). For example, Interrogatory No. 4 asks Anthem to identify the "reasons why Anthem decided to implement a Chart Review that Looked Both Ways in or around 2018," including the dates of relevant meetings, analyses, or communications leading to that decision; the participants in that decision; the ultimate decisionmaker(s); and related documents pertaining to the decision. During the parties' meet-and-confer, Anthem stated that it had certain objections to this interrogatory, but agreed that it could, appropriately, be required to identify the reasons it implemented a two way chart review that looked both ways in 2018, when that decision occurred, who participated in the decision, and the ultimate decisionmaker(s), and that such an interrogatory would not contain improper subparts. Yet Anthem refused to answer this interrogatory at all.

In its June 28, 2026, letter, Anthem asserted that the Court should not address its refusal to answer the interrogatories, and the Government should instead be required to meet and confer with Anthem to determine why Anthem refused to answer each interrogatory and how the interrogatory might be modified so Anthem would be willing to answer it. Dkt. No. 534. Such an approach would reward Anthem's abdication of its obligation to answer the Government's interrogatories and improperly shift the burden to the Government to modify its interrogatories without having ever received a meaningful response. Anthem's tactics have already unnecessarily delayed the Government's efforts to complete discovery, as it has now been two months since the Government served its interrogatories and it has received no meaningful response. Accordingly, the Government respectfully requests that Anthem be required to answer its interrogatories substantively, without interposing its baseless numerosity objection.

We thank the Court for its consideration of this submission.

Respectfully submitted,

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United States Attorney

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Exhibit A

Document Filed Under Seal

Exhibit B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHEM, INC.,

Defendant.

Case No. 1:20-cv-02593-ALC-KHP

**ANTHEM, INC.'S RESPONSES AND
OBJECTIONS TO PLAINTIFF UNITED
STATES OF AMERICA'S SECOND SET
OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant Anthem, Inc. ("Anthem" or "Defendant"), by and through its undersigned attorneys, hereby provides these Responses and Objections ("Responses") to Plaintiff United States of America's ("Plaintiff's") Second Set of Interrogatories to Defendant Anthem, Inc. ("Interrogatories").

PRELIMINARY STATEMENT

1. Anthem has not yet completed its investigation relating to the facts of this action, has not yet completed discovery in this action, and has not yet completed preparation for trial. Anthem's Responses are made in good faith and based on the information and Documents reasonably available to it at this time.

2. These Responses do not prejudice Anthem's rights to conduct further investigation, nor do they waive Anthem's rights to change, amend, or supplement its Responses pursuant to the Federal Rules of Civil Procedure, the Southern District of New York Local Civil Rules ("Local Rules"), and any scheduling or case management order that has been or may be entered in this litigation by the Court. In addition, Anthem reserves the right to later use

discovered Documents now known, but whose relevance, significance, or applicability has not yet been ascertained in the context of responding to the Interrogatories.

3. Anthem does not waive its right to assert any and all applicable privileges, doctrines, and protections and hereby expressly reserves its right to withhold responsive information on the basis of any and all applicable privileges, doctrines, and protections.

4. Anthem reserves the right to label any of its Responses and/or supplemental Responses to the Interrogatories as “Confidential” or “Attorneys’ Eyes Only” pursuant to the Stipulation and Protective Order entered on April 27, 2026 (Dkt. 485).

5. Anthem reserves the following rights without any waiver:

- a. the right to object to the introduction of these Responses into evidence;
and
- b. the right to object on any ground at any time to other discovery involving the subject matter of the Interrogatories or Anthem’s Responses.

GENERAL OBJECTIONS

Anthem asserts the following General Objections to the Interrogatories. These General Objections apply to each Definition, Instruction, and Interrogatory, and are incorporated by reference into Anthem’s Response to each individual Interrogatory below, whether or not specifically referenced in any particular Response. The assertion of the same, similar, or additional objections in Anthem’s Response to any individual Interrogatory does not waive any of these General Objections.

1. Anthem objects to each and every Interrogatory, Definition, and Instruction to the extent it seeks to impose obligations beyond those set forth in the Federal Rules of Civil

Procedure, the Local Rules, the Discovery Orders, or any case management order that has been or may be entered in this litigation.

2. Anthem objects to each and every Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 Interrogatories, including discrete subparts, set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”).

SPECIFIC OBJECTIONS TO DEFINITIONS¹

Where Plaintiff has cross-referenced to its Definitions in its Second Set of Requests for Production (“Second Set of Requests”), Anthem hereby incorporates by reference its objections to those Definitions, as well as its interpretations and limitations of those Definitions, that were provided in its Responses and Objections to Plaintiff’s Second Set of Requests (“Responses to the Second Set of Requests”).

Anthem objects to the definition of “Claims Validation” because the terms “process,” “validating,” “any Diagnoses submitted by Anthem to CMS,” and “medical record

¹ Additionally, Anthem uses the terms “Communication,” “Concerning,” and “Document” in its Responses consistent with the definitions mandated by Local Rule 26.3(c)—Anthem’s use of these terms, and its understanding of the Interrogatories’ use of terms with definitions mandated by the Local Rules, are subject to limitations imposed in the Stipulation and Protective Order (Dkt. 485) and the Joint Stipulation and Order Regarding Protocol for Electronically Stored Information (Dkt. 99) (collectively, “Discovery Orders”) as well as the limitations imposed by the Federal Rules of Civil Procedure.

documentation” are not defined and are subject to varying interpretations. For example, it is unclear whether “validating” refers to confirming the application of ICD Guidelines, matching a Diagnosis Code to a particular chart reviewed through Anthem’s Chart Review Program, reviewing provider-submitted claims, conducting a compliance audit, submitting a Deletion to CMS, or something else. The Definition is thus vague and ambiguous. Subject to and without waiving any of these objections, for the purpose of responding to the Interrogatories and interpreting any other Definitions, Instructions, or Interrogatories that incorporate these terms, Anthem understands “Claims Validation” to refer to audits conducted by Anthem’s Medicare Revenue & Reconciliation Business Unit based on the Accuracy and Truthfulness of Diagnosis Codes submitted to Anthem by Providers.

Anthem objects to the definition of “Unsupported” as vague, ambiguous, overbroad, and argumentative. The definition does not clearly identify the standard to be applied in determining whether a Diagnosis Code is “Unsupported,” including what it means for a medical condition to have been “coded according to” ICD Guidelines, what materials must be reviewed, and what documentation is sufficient to support a Diagnosis Code. Anthem further objects because the definition appears to treat any deviation from a particular reading of the ICD Clinical Modification Guidelines for Coding and Reporting, or the absence of documentation in a single “Beneficiary’s Chart,” as rendering a Diagnosis Code “Unsupported,” without regard to the Coding guidance and CMS rules applicable at the relevant time, the existence of relevant documentation elsewhere in the medical record, the role of clinical judgment, differences in how reviewers may interpret the medical record or apply ICD Guidance, or variations in the clarity and completeness of the medical record.

Anthem objects to the definition of “Verscend” as overly broad and not proportional to the needs of the case to the extent it includes “successors, predecessors, subsidiaries, affiliates, branches, divisions, groups, business units, business segments, operations, parent organizations, plants, and any joint ventures of which it was or is a part, and each of its present or former officers, directors, employees, representatives, and agents,” regardless of whether those persons or entities had any role in the work that Verscend performed for Anthem. Subject to and without waiving these objections, Anthem understands “Verscend” to refer to Cotiviti, Inc., and its predecessors-in-interest Verscend Technologies, Inc., Verisk Health, Inc., and MediConnect Global, Inc., in their capacities as the contractor that performed Chart Review work for Anthem in connection with Anthem’s Chart Review Program.

SPECIFIC OBJECTIONS TO INSTRUCTIONS

1. Anthem objects to any Instructions to the extent that they impose any obligation beyond those set forth in the Federal Rules of Civil Procedure, the Local Rules, or the Discovery Orders.

2. Anthem objects to Instruction 1 as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks to impose an obligation to collect or produce information outside the Relevant Period described in Plaintiff’s Amended Complaint. For the purpose of responding to the Interrogatories and without waiving these objections, consistent with Anthem’s understanding of the Relevant Period agreed to by the parties for the Second Set of Requests, Anthem defines the “Relevant Period” as June 1, 2013 through March 1, 2017 (the “Relevant Period”), which corresponds to the approximate beginning of Anthem’s Chart Review Program project year 2013 through the end of Anthem’s Chart Review Program

project year 2016.

3. Anthem objects to Instruction 2 as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent it seeks to impose an obligation to collect or produce information not within Anthem's knowledge. Anthem also incorporates by reference its objections to as well as its interpretations and limitations of the Definitions of Your, You, and Anthem as if set forth fully herein.

SPECIFIC OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

For each year of the Relevant Period, state the total Risk Adjustment Payments that Anthem received from CMS attributable to Diagnosis Codes that Anthem identified in Anthem's Chart Review Program, and identify the methodology and data sources used to calculate that figure.

OBJECTIONS TO INTERROGATORY NO. 1:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where "it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit"); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered "no explanation – much less a particularized showing – to support their purported need for additional interrogatories"). Anthem further objects to this Interrogatory as

an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definitions of “Risk Adjustment Payments” and “Anthem’s Chart Review Program,” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “attributable to” and “identified in” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff’s Amended Complaint, and regarding Diagnosis Codes that are not at-issue in Plaintiff’s Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem's possession, custody, or control, (ii) in the Plaintiff's possession, custody, or control, or (iii) to which Plaintiff has equal access.

Anthem further objects to this Interrogatory to the extent it seeks premature disclosure of expert opinion and as unduly burdensome to the extent it requires Anthem to perform an analysis to connect Risk Adjustment Payments to specific Diagnosis Codes that are not performed during the ordinary course of business and that Plaintiff has equal ability to perform.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 2:

Identify and describe every financial or revenue-impact analysis prepared by or for Anthem during the Relevant Period concerning: (a) the implementation of a Look Both Ways Chart Review; (b) the potential Deletion of previously submitted Diagnosis Codes; or (c) the financial impact of CMS's 2014 Proposed Rule. For each, state: (i) the date; (ii) the individuals who prepared or contributed to the analysis, and the recipients; (iii) the methodology and data sources used; and (iv) the conclusions reached, including any quantification of Risk Adjustment Payments that Anthem estimated it would lose, forgo, or be required to return.

OBJECTIONS TO INTERROGATORY NO. 2:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and

Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definitions of “Look Both Ways,” “Chart Review,” “Deletion,” and “Risk Adjustment Payments” in Anthem’s

Responses and Objections to Plaintiff's Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases "financial or revenue-impact analysis," "financial impact," "potential Deletion of previously submitted Diagnosis Codes," "conclusions reached," and "concerning" are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks information on "every financial or revenue-impact analysis" without limitation or reference to specific "financial or revenue-impact" analyses over a 16-year time period, requiring Anthem to undertake a far-reaching investigation not proportional to the needs of the case.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff's Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem's possession, custody, or control, (ii) in the Plaintiff's possession, custody, or control, or (iii) to which Plaintiff has equal access.

INTERROGATORY NO. 3:

Identify and describe every internal Anthem discussion, proposal, plan, pilot, analysis, or decision relating to a Look Both Ways Chart Review or Claims Validation. For each, state (a) the date; (b) the participants; (c) the substance; (d) the disposition (e.g., adopted, rejected, deferred); (e) the decisionmaker(s); and (f) the Bates number(s) of all related documents. Your response should include, without limitation, the January 2014 communications among Matt Cogdill and Camie Welch (ANTHEM_SDNY_00188553); the March 2014 email thread “RE: A Few Questions” (ANTHEM_SDNY_00174993–94); and the April 2014 communications referenced in Deposition Exhibit 2137 (ANTHEM_SDNY_00078200).

OBJECTIONS TO INTERROGATORY NO. 3:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50

when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definition of “Claims Validation” and the definitions of “Look Both Ways,” “Chart Review,” “Deletion,” and “Risk Adjustment Payments” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “discussion,” “proposal,” “plan,” “pilot,” “analysis,” “relating to,” “disposition,” and “related documents” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “every internal Anthem discussion, proposal, plan, pilot, analysis, or decision relating to a Look Both Ways Chart Review or Claims Validation” and “all related documents” over a 16-year time period, requiring Anthem to undertake a far-reaching investigation not proportional to the needs of the case.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff's Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition. Anthem further objects to this Interrogatory to the extent it is duplicative of Request for Productions No. 2, 4, 5, 6, 7, 14, 20, 25, 26, and 29 from Plaintiff's Second Set of Requests for Production and to the extent responsive Documents have already been searched for and/or produced to Plaintiff.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem's possession, custody, or control, (ii) in the Plaintiff's possession, custody, or control, or (iii) to which Plaintiff has equal access.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 4:

State all reasons why Anthem decided to implement a Chart Review that Looked Both Ways in or around 2018, including (a) the dates of all meetings, analyses, or communications leading to that decision; (b) the participants; (c) the ultimate decisionmaker(s); (d) the Bates numbers of all related documents; and (e) all related documents not already produced.

OBJECTIONS TO INTERROGATORY NO. 4:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and

Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definitions of “Chart Review” and “Looked Both Ways” in Anthem’s Responses and Objections to Plaintiff’s

Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “in or around 2018,” “leading to,” “ultimate decisionmaker(s),” and “related documents” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff’s Amended Complaint, and regarding Diagnosis Codes that are not at-issue in Plaintiff’s Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case. Anthem further objects to this Interrogatory to the extent information and documents related to “Anthem’s deci[sion] to implement a Chart Review that Looked Both Ways in or around 2018” is not relevant to Anthem’s operation of Anthem’s Chart Review Program or the falsity of the at-issue Diagnosis Codes or proportional to the needs of the case.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “all meetings, analyses, or communications” and “all related documents” over an 8-year time period, requiring Anthem to undertake a far-reaching investigation not proportional to the needs of the case.

Anthem further objects to this Interrogatory to the extent it seeks “all related documents not already produced,” which is not limited to documents Anthem consulted or relied on in preparing its response, but instead contemplates additional document collection, review, and production that is inappropriate under Local Rule 33.3, which restricts interrogatories to “those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance

agreements, and other physical evidence, or information of a similar nature,” to those where interrogatories “are a more practical method of obtaining the information sought than a request for production or a deposition,” or “if ordered by the Court.” Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition. *See, e.g., Winfield v. City of New York*, 15-CV-05236, 2018 WL 2277838, at *3 (S.D.N.Y. May 18, 2018) (Parker, M.J.) (“The Local Rule reflects the prevailing view in this District that interrogatories are often burdensome and not as effective as other methods of obtaining information in discovery.”).

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 5:

Identify each Anthem officer, executive, employee, or agent who exercised decision-making authority relating to the decision not to submit Deletion files to RAPS or EDS for the Diagnosis Codes that Anthem identified through Anthem’s Chart Review Program that Looked Both Ways (including the analyses reflected in ANTHEM_DOJ_00017771). For each, state (a) the date(s) of their participation; (b) their role; (c) the Bates numbers of all related documents; and (d) all related documents not already produced.

OBJECTIONS TO INTERROGATORY NO. 5:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory

responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definitions of “Deletion,” “Anthem’s Chart Review Program,” and “Looked Both Ways” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “agent,” “exercised,” “exercised,” “decision-

making authority,” “identified through,” and “reflected in” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff’s Amended Complaint rendering this Interrogatory overbroad and not proportional to the needs of the case. Anthem further objects to this Interrogatory to the extent information and documents related to “Anthem’s Chart Review Program that Looked Both Ways” is not relevant to Anthem’s operation of Anthem’s Chart Review Program or the falsity of the at-issue Diagnosis Codes.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, including, but not limited to because, as written, it seeks “each Anthem officer, executive, employee, or agent” and “all related documents” over a 16-year time period, requiring Anthem to undertake a far-reaching investigation regarding a chart review program and Diagnosis Codes not at issue in this litigation.

Anthem further objects to this Interrogatory to the extent it seeks “all related documents not already produced,” which is not limited to documents Anthem consulted or relied on in preparing its response, but instead contemplates additional document collection, review, and production that is inappropriate under Local Rule 33.3, which restricts interrogatories to “those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature,” to those where interrogatories “are a more practical method of obtaining the information sought than a request for production or a deposition,” or “if ordered by the Court.” Anthem further objects under

Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition. *See, e.g., Winfield v. City of New York*, 15-CV-05236, 2018 WL 2277838, at *3 (S.D.N.Y. May 18, 2018) (Parker, M.J.) (“The Local Rule reflects the prevailing view in this District that interrogatories are often burdensome and not as effective as other methods of obtaining information in discovery.”).

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 6:

For each annual Risk Adjustment Attestation that Anthem submitted to CMS, describe all processes by which Anthem certified the accuracy, completeness, and truthfulness of the underlying Diagnosis Codes, including: (a) every step taken by or at the direction of the certifying officer prior to signing; (b) every Anthem employee, department, or vendor consulted; (c) every document, report, or analysis reviewed; (d) every sub-certification, written representation, or oral assurance received by the certifying officer; and (e) the Bates numbers of all related documents.

OBJECTIONS TO INTERROGATORY NO. 6:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*

v. Aily Foot Relax Station Inc., 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objection to the definitions of “Risk Adjustment” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “processes,” “underlying,” “step taken by or at the direction of the certifying officer,” “consulted,” “sub-certification,” “written representation,” and “oral assurance” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “all processes,” “every step taken,” “every Anthem employee, department, or vendor consulted,” “every document, report, or analysis reviewed,” “every sub-certification, written representation, or oral assurance,” and “all related documents,” over a 16-year period where dozens of attestations were signed each year, requiring Anthem to undertake a far-reaching investigation not proportional to the needs of the case.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem’s possession, custody, or control, (ii) in the Plaintiff’s possession, custody, or control, or (iii) to which Plaintiff has equal access.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 7:

Identify every instance during the Relevant Period in which any Anthem employee, officer, director, Vendor, or consultant became aware that one or more Diagnosis Codes that Anthem had previously submitted to CMS were, or may be, Unsupported. For each, state: (a) the date; (b) the individual(s) with such awareness; (c) the basis for that awareness; (d) all action

Anthem took in response; (e) the Bates numbers of all related documents; and (f) all related documents not already produced.

OBJECTIONS TO INTERROGATORY NO. 7:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the

second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definition of “Unsupported” and the definition of “Vendor” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “became aware,” “awareness,” and “were, or may be, Unsupported” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff’s Amended Complaint, and regarding Diagnosis Codes that are not at-issue in Plaintiff’s Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “every instance,” instances where Diagnosis Codes “may be” Unsupported, “all action,” and “all related documents” over a 16-year time period, requiring Anthem to undertake a far-reaching investigation not proportional to the needs of the case.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem’s possession, custody, or control, (ii) in the Plaintiff’s possession, custody, or control, or (iii) to which Plaintiff has equal access.

Anthem further objects to this Interrogatory to the extent it seeks “all related documents not already produced,” which is not limited to documents Anthem consulted or relied on in

preparing its response, but instead contemplates additional document collection, review, and production that is inappropriate under Local Rule 33.3, which restricts interrogatories to “those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature,” to those where interrogatories “are a more practical method of obtaining the information sought than a request for production or a deposition,” or “if ordered by the Court.” Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition. *See, e.g., Winfield v. City of New York*, 15-CV-05236, 2018 WL 2277838, at *3 (S.D.N.Y. May 18, 2018) (Parker, M.J.) (“The Local Rule reflects the prevailing view in this District that interrogatories are often burdensome and not as effective as other methods of obtaining information in discovery.”).

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 8:

Identify and describe all action that Anthem took in response to the November 2012 email from Camie Welch (ANTHEM_DOJ_00041298) stating that “we also know that physicians do not always code accurately” and identifying “the assignment of improper dx [diagnosis] codes” as one of the “[c]ommon errors,” including any investigation, audit, policy change, training, deletion of Diagnosis Codes, communication with CMS, or other corrective

action, and identify by Bates number all related documents and any related documents not already produced.

OBJECTIONS TO INTERROGATORY NO. 8:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the

second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions. Anthem further objects to this Interrogatory because the phrases “all action that Anthem took in response,” “investigation,” “audit,” “policy change,” “training,” “deletion of Diagnosis Codes,” and “corrected action” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous. Anthem further objects to this Interrogatory because the document starting with Bates ANTHEM_DOJ_00041298 is not a November 2012 email from Camie Welch and does not contain all of the quoted language. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “all action that Anthem took” and “all related documents” over a 14-year time period, requiring Anthem to undertake a far-reaching investigation not proportional to the needs of the case.

Anthem further objects to this Interrogatory to the extent it seeks “any related documents not already produced,” which is not limited to documents Anthem consulted or relied on in preparing its response, but instead contemplates additional document collection, review, and production that is inappropriate under Local Rule 33.3, which restricts interrogatories to “those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature,” to those where interrogatories “are a more practical method of obtaining the information sought than a request

for production or a deposition,” or “if ordered by the Court.” Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition. *See, e.g., Winfield v. City of New York*, 15-CV-05236, 2018 WL 2277838, at *3 (S.D.N.Y. May 18, 2018) (Parker, M.J.) (“The Local Rule reflects the prevailing view in this District that interrogatories are often burdensome and not as effective as other methods of obtaining information in discovery.”).

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 9:

Identify each person (including any Anthem officer, employee, director, agent, Vendor, consultant, or outside advisor) whom Anthem contends subjectively believed at any time during the Relevant Period that the principle of “actuarial equivalence” or the “fee for service adjuster” relieved Anthem of any obligation to Delete from RAPS or EDS Diagnosis Codes Anthem knew were or may be Unsupported. For each, state (a) when the person formed or expressed that belief; (b) the basis for Anthem’s contention; (c) the Bates numbers of all related documents; and (d) all related documents not already produced.

OBJECTIONS TO INTERROGATORY NO. 9:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in

counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definition of “Unsupported” and the definitions of “Vendor” and “Delete” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “person,” “consultant,” “outside advisor,” “subjectively believed,” “actuarial equivalence,” “fee for service adjuster,” “relieved Anthem of any obligation

to Delete,” “obligation to Delete,” “Anthem knew or may be Unsupported,” “formed,” and “expressed” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff’s Amended Complaint, and regarding Diagnosis Codes that are not at-issue in Plaintiff’s Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “each person” and “all related documents” who “subjectively believed” something “at any time” across a 16-year time period, requiring Anthem to undertake an impossibly broad investigation of the subjective beliefs all employees, directors, executive consultants, outside advisors, attorneys, and others who may have had at any point in the past 16 years and opinion on the topics at issue in this Interrogatory.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem’s possession, custody, or control, (ii) in the Plaintiff’s possession, custody, or control, or (iii) to which Plaintiff has equal access.

Anthem further objects to this Interrogatory to the extent it seeks “any related documents not already produced,” which is not limited to documents Anthem consulted or relied on in preparing its response, but instead contemplates additional document collection, review, and production that is inappropriate under Local Rule 33.3, which restricts interrogatories to “those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance

agreements, and other physical evidence, or information of a similar nature,” to those where interrogatories “are a more practical method of obtaining the information sought than a request for production or a deposition,” or “if ordered by the Court.” Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition. *See, e.g., Winfield v. City of New York*, 15-CV-05236, 2018 WL 2277838, at *3 (S.D.N.Y. May 18, 2018) (Parker, M.J.) (“The Local Rule reflects the prevailing view in this District that interrogatories are often burdensome and not as effective as other methods of obtaining information in discovery.”).

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 10:

Identify every opinion, regulatory analysis, CMS communication, consultant report, memorandum, training material, or other written or oral advice or guidance on which Anthem has relied, in whole or in part, to support any contention by Anthem that “actuarial equivalence” or the “fee for service adjuster” justified any decision not to Delete Unsupported Diagnosis Codes from RAPS or EDS. For each, state (a) the author; (b) the date; (c) the recipient(s); (d) the substance; (e) the Bates numbers of the document; and (f) all related documents not already produced.

OBJECTIONS TO INTERROGATORY NO. 10:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at

*7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definition of “Unsupported” and the definitions of “Vendor” and “Delete” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this

Interrogatory because the phrases “opinion,” “regulatory analysis,” “CMS communication,” “consultant report,” “memorandum,” “training material,” “written or oral advice or guidance,” “any contention,” “on which Anthem has relied,” “actuarial equivalence,” “fee for service adjuster,” and “justified” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff’s Amended Complaint, and regarding Diagnosis Codes that are not at-issue in Plaintiff’s Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “every opinion, regulatory analysis, CMS communication, consultant report, memorandum, training material, or other written or oral advice or guidance” and “all related documents” over a 16-year time period, requiring Anthem to undertake a far-reaching investigation not proportional to the needs of the case.

Anthem further objects to this Interrogatory to the extent it seeks “all related documents not already produced,” which is not limited to documents Anthem consulted or relied on in preparing its response, but instead contemplates additional document collection, review, and production that is inappropriate under Local Rule 33.3, which restricts interrogatories to “those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature,” to those where

interrogatories “are a more practical method of obtaining the information sought than a request for production or a deposition,” or “if ordered by the Court.” Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition. *See, e.g., Winfield v. City of New York*, 15-CV-05236, 2018 WL 2277838, at *3 (S.D.N.Y. May 18, 2018) (Parker, M.J.) (“The Local Rule reflects the prevailing view in this District that interrogatories are often burdensome and not as effective as other methods of obtaining information in discovery.”).

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 11:

Identify, by Beneficiary identifier (HICN/MBI), date of service, ICD code, and contract number, every Diagnosis Code that Anthem submitted to CMS for Risk Adjustment Payment during the Relevant Period that Anthem knew was or may be Unsupported, but that Anthem nevertheless did not submit for Deletion from RAPS and/or EDS in reliance, in whole or in part, on the principle of “actuarial equivalence.” For each, state (a) when Anthem decided not to submit the Diagnosis Code for Deletion; (b) the Anthem officer, employee, or agent who made or approved that decision; (c) the basis for Anthem’s belief that the code was, or may be, Unsupported; (d) the Bates number(s) of all related documents; and (e) all related documents not already produced.

OBJECTIONS TO INTERROGATORY NO. 11:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and

Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definition of “Unsupported and to the definitions of “Beneficiary,” “Risk Adjustment Payments,” and

“Deletion” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “knew was or may be Unsupported,” “in reliance on,” “actuarial equivalence,” and “belief that the code was, or may be, Unsupported” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff’s Amended Complaint, and regarding Diagnosis Codes that are not at-issue in Plaintiff’s Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “every Diagnosis code” and “all related documents” over a 16-year time period, requiring Anthem to undertake a far-reaching investigation not proportional to the needs of the case.

Anthem further objects to this Interrogatory to the extent it seeks “all related documents not already produced,” which is not limited to documents Anthem consulted or relied on in preparing its response, but instead contemplates additional document collection, review, and production that is inappropriate under Local Rule 33.3, which restricts interrogatories to “those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature,” to those where interrogatories “are a more practical method of obtaining the information sought than a request for production or a deposition,” or “if ordered by the Court.” Anthem further objects under

Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition. *See, e.g., Winfield v. City of New York*, 15-CV-05236, 2018 WL 2277838, at *3 (S.D.N.Y. May 18, 2018) (Parker, M.J.) (“The Local Rule reflects the prevailing view in this District that interrogatories are often burdensome and not as effective as other methods of obtaining information in discovery.”).

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 12:

State when Anthem contends the 60-day period under 42 U.S.C. § 1320a-7k(d)(2) and 42 C.F.R. § 422.326 begins for reporting and returning a Medicare overpayment.

OBJECTIONS TO INTERROGATORY NO. 12:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of

interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions. Anthem further objects to this Interrogatory because the phrases “reporting and returning” and “Medicare overpayment” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory because it calls for a legal opinion, not an opinion or contention related to the application of law to fact.

INTERROGATORY NO. 13:

State all material facts on which Anthem bases each affirmative defense pleaded in its Answer to the Amended Complaint (ECF No. 26). For each defense, state (a) every fact supporting the defense; (b) every Anthem employee, officer, director, agent, Vendor, consultant, or outside advisor with knowledge of those facts; (c) the Bates numbers of all supporting documents; and (d) all related documents not already produced.

OBJECTIONS TO INTERROGATORY NO. 13:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions.

Anthem further objects to this Interrogatory to the extent it seeks “all related documents not already produced,” which is not limited to documents Anthem consulted or relied on in preparing its response, but instead contemplates additional document collection, review, and production that is inappropriate under Local Rule 33.3, which restricts interrogatories to “those seeking names of witnesses with knowledge of information relevant to the subject matter of the action, the computation of each category of damage alleged, and the existence, custodian, location and general description of relevant documents, including pertinent insurance agreements, and other physical evidence, or information of a similar nature,” to those where interrogatories “are a more practical method of obtaining the information sought than a request for production or a deposition,” or “if ordered by the Court.” Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition. *See, e.g., Winfield v. City of New York*, 15-CV-05236, 2018 WL 2277838, at *3 (S.D.N.Y. May 18, 2018) (Parker, M.J.) (“The Local Rule reflects the prevailing view in this District that interrogatories are often burdensome and not as effective as other methods of obtaining information in discovery.”).

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 14:

State all material facts and identify by Bates number all documents that Anthem contends support each of the following assertions: (a) Anthem’s failure to Delete Diagnosis Codes

previously submitted to CMS but not identified in Anthem’s Chart Review Program complied with 42 C.F.R. §§ 422.310, 422.504(l), and 422.503(b)(4)(vi); (b) each annual Risk Adjustment Attestation Anthem submitted during the Relevant Period was “accurate, complete, and truthful” based on Anthem’s “best knowledge, information, and belief”; (c) Anthem complied with its obligation under its EDI Agreements to “research and correct risk adjustment data discrepancies”; (d) Anthem had no obligation under 42 U.S.C. § 1320a-7k(d) or 42 C.F.R. § 422.326 to report and return overpayments based on Diagnosis Codes that Anthem’s Chart Review Program failed to identify; and (e) Anthem’s agreement in its annual contracts with CMS to operate its Medicare Advantage plans “in compliance with the requirements of [] applicable Federal statutes, regulations, and policies.”

OBJECTIONS TO INTERROGATORY NO. 14:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84

at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definitions of “Delete,” “Anthem’s Chart Review Program,” and “Risk Adjustment” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “identified in,” “complied with,” “EDI Agreements,” and “failed to identify” are not defined and subject to varying interpretations. For example, it is unclear if “Electronic Data Interchange agreements” refer to the CMS document titled “Medicare Advantage Organization Electronic Data Interchange (EDI) Agreement,” “Medicare Advantage Organization Electronic Data Interchange Enrollment Form,” “Medicare+Choice Organization Electronic Data Interchange Enrollment Form,” or something else.² The Interrogatory is therefore vague and ambiguous.

² For purposes of responding to these Interrogatories, Anthem defines “Electronic Data Interchange Enrollment Form” or “EDI Enrollment Form” as the CMS Document titled “Medicare Advantage Organization Electronic Data Interchange Enrollment Form,” or “Medicare+Choice Organization Electronic Data Interchange Enrollment Form,” examples of which are attached to Plaintiff’s Amended Complaint as Exhibits 6, 7, and 8, or “Electronic Data

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff's Amended Complaint, and regarding Diagnosis Codes that are not at-issue in Plaintiff's Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem also objects to this Interrogatory because it calls for a legal opinion, not an opinion or contention related to the application of law to fact.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 15:

Identify, by Beneficiary identifier (HICN/MBI), date of service, ICD code, and contract number: (i) every Diagnosis Code Anthem submitted to CMS for Risk Adjustment Payment during the Relevant Period that, based on performing a Look Both Ways Chart Review, Anthem identified as not having been recorded by Anthem's Chart Review Program's coders; (ii) out of that set of Diagnosis Codes, those that Anthem determined it was unable to verify or unlikely to be verified by medical records and thus constituted potentially Unsupported Diagnosis Codes, as defined in Anthem's correspondence to CMS, including which Diagnosis Codes Anthem concluded it was unable to verify and which Diagnosis Codes it determined were unlikely to be verified; and (c) for each, state whether Anthem submitted a Deletion to RAPS and/or EDS, and if not, why not; and (d) identify all analyses, calculations, estimates, or projections reflecting the financial impact of submitting (or having submitted) Deletions for such Diagnosis Codes.

Interchange (EDI) Agreement" or "EDI Agreement" as used in CMS' Medicare Managed Care Manual, Ch. 7, § 130, Rev. 118 (2014).

OBJECTIONS TO INTERROGATORY NO. 15:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definition of “Unsupported” and to the definitions of “Beneficiary,” “Risk Adjustment Payment,” “Look Both Ways,” “Chart Review,” “Anthem’s Chart Review Program,” and “Deletion” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “identified as not having been recorded by,” “out of that set of Diagnosis Codes,” “unable to verify,” “unlikely to be verified,” “potentially Unsupported Diagnosis Codes,” “as defined in Anthem’s correspondence with CMS,” “analyses,” “calculations,” “estimates,” and “projections reflecting the financial impact of submitting” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff’s Amended Complaint, and regarding Diagnosis Codes that are not at-issue in Plaintiff’s Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem further objects to this Interrogatory to the extent information and documents related to “a Look Both Ways Chart Review” are not relevant to Anthem’s operation of Anthem’s Chart Review Program or the falsity of the at-issue Diagnosis Codes. Anthem further objects to this Interrogatory as unduly burdensome to the extent it requires Anthem to perform an analysis to connect Risk Adjustment Payments to specific Diagnosis Codes that is not performed during the ordinary course of business and that Plaintiff has equal ability to perform.

Anthem further objects to this interrogatory as disproportionate to the needs of the case, because, as written, it seeks “all analyses, calculations, estimates, or projections reflecting the

financial impact of submitting (or having submitted) Deletions for such Diagnosis Codes” over a 16-year time period, requiring Anthem to undertake a far-reaching investigation regarding a chart review program and Diagnosis Codes not at issue in this litigation.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem’s possession, custody, or control, (ii) in the Plaintiff’s possession, custody, or control, or (iii) to which Plaintiff has equal access.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 16:

Identify all trainings relating to Risk Adjustment provided to the following current or former Anthem employees: (a) Camie Welch; (b) Angele White; (c) Brian Cogdill; (d) Eric Cahow; (e) Evan Hetu; (f) Kimberly Bresnan; (g) Patricia Cabrera; (h) Robert King; and (i) Joell Keim.

OBJECTIONS TO INTERROGATORY NO. 16:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*

v. Aily Foot Relax Station Inc., 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definition of “Risk Adjustment” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrase “trainings relating to Risk Adjustment” is not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “all trainings” provided to nine employees, including for years outside of the Relevant Period alleged in Plaintiff’s Amended Complaint.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem’s possession, custody, or control, (ii) in the Plaintiff’s possession, custody, or control, or (iii) to which Plaintiff has equal access.

INTERROGATORY NO. 17:

Identify all Anthem policies relating to Risk Adjustment overpayments or the Deletion of Diagnosis Codes, including, but not limited to policy # RA107 entitled “Risk Adjustments Overpayments.” For each policy, identify the effective date and policy number.

OBJECTIONS TO INTERROGATORY NO. 17:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their

purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definitions of “Risk Adjustment” and “Deletion” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “policies” and “overpayments” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “all Anthem policies,” including for years outside of the Relevant Period alleged in Plaintiff’s Amended Complaint.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem's possession, custody, or control, (ii) in the Plaintiff's possession, custody, or control, or (iii) to which Plaintiff has equal access.

INTERROGATORY NO. 18:

Identify and describe all actions (if any) taken by Anthem in response to Angele White's email to Eric Cahow, dated December 1, 2016 (ANTHEM_SDNY_00154381).

OBJECTIONS TO INTERROGATORY NO. 18:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where "it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit"); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered "no explanation – much less a particularized showing – to support their purported need for additional interrogatories"). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered "nearly 50 when including subparts" and were thus "not consistent with Rule 33 insofar as they are in

counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions. Anthem further objects to this Interrogatory because the phrase “in response to” is not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “all actions (if any) taken by Anthem” over a 10-year time period, requiring Anthem to undertake a far-reaching investigation not proportionate to the needs of the case.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 19:

Describe all medical records reviewed by Anthem employees relating to the Diagnosis Codes identified on: ANTHEM_SDNY_00185032–33 before Camie Welch wrote, on February 12, 2013, “Yes, we need to delete”; and on ANTHEM_SDNY_00078792 before Patricia Cabrera wrote, “this should be deleted,” and Matt Cogdill responded, “Agreed, delete all the HCC 1’s for this person.”

OBJECTIONS TO INTERROGATORY NO. 19:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate

questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions. Anthem further objects to this Interrogatory because the phrases “medical records,” “reviewed,” and “relating to” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “all medical records reviewed by Anthem employees.”

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 20:

Describe all actions (if any) taken by Anthem in response to the statement “Which I actually believe we should be,” as set forth on ANTHEM_SDNY_R_00145233 in the Anthem document titled “WLP 2015 MA and Part D Rule Comment Grid_1 2014 (1.30.14)”.

OBJECTIONS TO INTERROGATORY NO. 20:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions. Anthem further objects to this Interrogatory because the phrase “in response to” is not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous. Anthem further objects to this Interrogatory because there is no document starting with Bates ANTHEM_SDNY_R_00145233. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “all actions (if any) taken by Anthem” over a 12-year time period, requiring Anthem to undertake a far-reaching investigation not proportionate to the needs of the case.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 21:

Identify and describe all analyses, efforts, or studies undertaken by Anthem to determine whether it was feasible or operationally possible to compare the results of Anthem’s Chart Review Program against claims previously submitted by Anthem to CMS in order to identify whether Diagnosis Codes previously submitted by Anthem to CMS had not been identified by coders as part of Anthem’s Chart Review Program (i.e., to “compare the data against claims” as set forth in the testimony of Camie Welch, Tr. 269:1-2).

OBJECTIONS TO INTERROGATORY NO. 21:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definition of “Anthem’s Chart Review Program” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “analyses,” “efforts,” “studies undertaken,” “feasible,” “operationally possible,” and “identify” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory as overly broad, unduly burdensome, and disproportionate to the needs of the case, because, as written, it seeks “all analyses, efforts or studies” over a 16-year time period, requiring Anthem to undertake a far-reaching investigation not proportionate to the needs of the case.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem’s possession, custody, or control, (ii) in the Plaintiff’s possession, custody, or control, or (iii) to which Plaintiff has equal access.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 22:

Identify, by Beneficiary identifier (HICN/MBI), date of service, ICD code, and contract number, every Diagnosis Code Anthem deleted from RAPS or EDS on the basis that it was Unsupported; the date on which Anthem determined that the Diagnosis Code was Unsupported;

the source of the medical record documentation reviewed and whether that medical record constituted the complete clinical documentation for that patient; the date on which Anthem included the diagnosis code in a “delete file,” see ANTHEM_SDNY_00206555, and the date on which Anthem actually submitted the deletion to CMS.

OBJECTIONS TO INTERROGATORY NO. 22:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where “it is clear they are not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts

if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objection to “Unsupported,” and to the definitions of “Beneficiary” and “Deletion” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “deleted from RAPS or EDPS,” “on the basis that it was Unsupported,” “determined,” “source of the medical record documentation reviewed,” “complete clinical documentation,” and “delete file” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff’s Amended Complaint, and regarding Diagnosis Codes that are not at-issue in Plaintiff’s Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem further objects to this Interrogatory to the extent information and documents related to “every Diagnosis Code Anthem deleted from RAPS or EDS on the basis that it was Unsupported” where the Diagnosis Code was not subject to Anthem’s Chart Review Program and/or was not subject to a medical record review are not relevant to Anthem’s operation of Anthem’s Chart Review Program or the falsity of the at-issue Diagnosis Codes.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem's possession, custody, or control, (ii) in the Plaintiff's possession, custody, or control, or (iii) to which Plaintiff has equal access.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

INTERROGATORY NO. 23:

Identify every Anthem subsidiary, affiliate, or entity acquired by Anthem that, at any time during the Relevant Period, operated, implemented, or piloted a Claims Validation or a Chart Review that Looked Both Ways. For each such entity, state: (a) the name of the entity and its corporate relationship to Anthem; (b) the contract(s) under which the entity offered Medicare Advantage coverage; (c) the dates during which the Claims Validation or Chart Review that Looked Both Ways was in effect; and (d) whether the program resulted in the Deletion of Diagnosis Codes from RAPS and/or EDS, and if so, the volume of Diagnosis Codes Deleted and the corresponding Risk Adjustment Payments returned to CMS; and (e) why such a program was implemented at the subsidiary, affiliate, or entity acquired by Anthem but not at Anthem during the same period.

OBJECTIONS TO INTERROGATORY NO. 23:

Anthem objects to this Interrogatory because this set of interrogatories, when subparts are included, exceeds the limit of 35 interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang v. Fei*, 24-CV-5055, 2025 WL 2294586, at *7-8 (S.D.N.Y. Aug. 8, 2025) (Parker, M.J.) (denying motion to compel additional interrogatory responses where "it is clear they are not consistent with Rule 33 insofar as they are in

counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji v. Aily Foot Relax Station Inc.*, 19 Civ. 11881, 2021 WL 1930365, at *5 (S.D.N.Y. May 12, 2021) (denying motion to compel response to interrogatories that exceeded the Rule 33 limit where party offered “no explanation – much less a particularized showing – to support their purported need for additional interrogatories”). Anthem further objects to this Interrogatory as an improper and compound interrogatory that seeks to circumvent the limit on the number of interrogatories set forth in the Case Management Plan and Report of Rule 26(f) Meeting, Dkt. 84 at 5. *See Yang*, 2025 WL 2294586, at *7-8 (purported 10 interrogatories numbered “nearly 50 when including subparts” and were thus “not consistent with Rule 33 insofar as they are in counterparts, causing them to constitute far more than the presumptive 25 limit”); *Yong Biao Ji*, 2021 WL 1930365, at *2 (interrogatories that “contain discrete subparts [] constitute separate questions for purposes of Rule 33”); *Rouviere v. DePuy Orthopaedics, Inc.*, 2020 WL 1080775, at *2 n.2 (S.D.N.Y. Mar. 7, 2020) (“interrogatory subparts are to be counted as discrete subparts if they are not logically or factually subsumed within and necessarily related to the primary question. . . . if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first and not factually subsumed within and necessarily related to the primary question.”).

Anthem incorporates by reference each of the above-stated Specific Objections to the Definitions and Instructions, including its above-referenced objections to the definitions of “Claims Validation,” “Chart Review,” “Looked Both Ways,” “Deletion,” and “Risk Adjustment Payments” in Anthem’s Responses and Objections to Plaintiff’s Second Set of Requests for Production. Anthem further objects to this Interrogatory because the phrases “subsidiary,” “affiliate,” “entity acquired by Anthem,” “operated,” “implemented,” “piloted,” and “resulted in

the Deletion of Diagnosis Codes” are not defined and subject to varying interpretations. The Interrogatory is therefore vague and ambiguous.

Anthem further objects to this Interrogatory to the extent it requires Anthem to investigate the practices of Anthem subsidiaries or affiliates or entities that Anthem eventually acquired over a 16-year period is overly broad, unduly burdensome, and disproportional to the needs of the case.

Anthem further objects under Local Rule 33.3(b) because an interrogatory is not a more practical method of obtaining the information sought than document discovery or a deposition.

Anthem also objects to this Interrogatory to the extent that it seeks information beyond the Relevant Period alleged in Plaintiff’s Amended Complaint, and regarding Diagnosis Codes that are not at-issue in Plaintiff’s Amended Complaint, rendering this Interrogatory overbroad and not proportional to the needs of the case.

Anthem further objects to this Interrogatory to the extent information and documents related to “Claims Validation or a Chart Review that Looked Both Ways” that was “operated, implemented or piloted” by an entity other than Anthem are not relevant to Anthem’s operation of Anthem’s Chart Review Program or the falsity of the at-issue Diagnosis Codes.

Anthem further objects to this Interrogatory to the extent it seeks information (i) outside of Anthem’s possession, custody, or control, (ii) in the Plaintiff’s possession, custody, or control, or (iii) to which Plaintiff has equal access.

Anthem further objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, the attorney-work-product doctrine, the common-interest doctrine, or any other applicable privilege, protection, or doctrine.

Dated: June 24, 2026

Respectfully submitted,

By: /s/ Jim Bowman

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHEM, INC.,

Defendant.

Case No. 1:20-cv-02593-ALC-KHP

Assigned to Hon. Andrew L. Carter, Jr.

DISCOVERY MATTER

CERTIFICATE OF SERVICE

I, Jim Bowman, certify that on June 24, 2026, I served a true and accurate copy of Defendant Anthem, Inc.'s Responses and Objections to Plaintiff United States of America's Second Set of Interrogatories to Plaintiff United States of America via electronic mail to Plaintiff's counsel of record:

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Dated: June 24, 2026

/s/ Jim Bowman

Jim Bowman

Exhibit C

Document Filed Under Seal

Exhibit D

Government's Agreed Modifications to Second Set of Interrogatories

Interrogatory No. 2 – revised to the following

Identify and describe every financial or revenue-impact analysis prepared by or for Anthem during the Relevant Period concerning the potential Deletion of previously submitted Diagnosis Codes as a result of implementing a Look Both Ways Chart Review. For each, state: (i) the date; (ii) the individuals who prepared or contributed to the analysis, and the recipients; (iii) the methodology and data sources used; and (iv) the conclusions reached, including any quantification of Risk Adjustment Payments that Anthem estimated it would lose, forgo, or be required to return.

Interrogatory No. 6 – revised to the following

For each annual Risk Adjustment Attestation that Anthem submitted to CMS, describe all processes by which Anthem certified the accuracy, completeness, and truthfulness of the underlying Diagnosis Codes.

Interrogatory No. 13 - withdrawn

Interrogatory No. 14 - the Government agrees to split (a) through (e) into five separate interrogatories

Interrogatory No. 16 – revised to the following

Identify all trainings relating to Risk Adjustment provided to Anthem employees in the Medicare Revenue & Reconciliation business unit.