

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

IN RE: ZELIS REPRICING ANTITRUST
LITIGATION

This Document Relates to:

All Actions

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

Consolidated with Case Nos.:

1:25-cv-11092-BEM

1:25-cv-11167-BEM

1:25-cv-11537-BEM

JOINT STATUS REPORT AND PROPOSED AGENDA

Pursuant to the Court's Order at the July 8, 2026, Case Management Conference (Dkt. 252), counsel for the parties respectfully submit this Joint Status Report and Proposed Agenda in advance of the upcoming October 8, 2026, Status Conference before Judge Murphy at noon and Case Management Conference before Magistrate Judge Boal at 2:00 p.m. *See* Dkt. 323-24.

I. PROPOSED AGENDA

- A. Plaintiffs' Motion to Compel Structured Data (Dkt. 340, 344)
- B. Search Terms for Defendant Zelis and Aetna (Dkt. 341-43, 346)
- C. The Parties' Conferrals Regarding the Court's Order on Defendants' Motion to Compel (Dkt. 337)

II. JOINT STATUS REPORT

A. Plaintiffs' Motion to Compel Structured Data

Plaintiffs' Statement: Per the Court's Order at the September 14 Case Management Conference (Dkt. 323), the parties continued to meet and confer about the Relevant Time Period for both structured data and unstructured documents. During those discussions, the parties reached an impasse as to the Relevant Time Period for structured data production and submitted a Joint Status Report regarding the same on September 18. *See* Dkt. 336. Plaintiffs then moved to compel on September 25. *See* Dkt. 340. As is fully described therein, Plaintiffs maintain that Defendants

must produce structured data from January 1, 2013 through the present, (with aggregated data only for the year 2012).¹ This time period is necessary to allow experts a multiyear pre-period to benchmark repriced amounts during the Class Period, which begins June 13, 2016 and extends through the present. Dkt. 273 at ¶374. For unstructured documents, Plaintiffs seek a start date of January 1, 2014, in order to capture the FAIR Health period that led to Defendants’ migration to Zelis, as alleged in the SAC. Defendants are due to respond to Plaintiffs’ motion to compel on Friday, October 2. Plaintiffs are prepared to offer argument on this issue at the Court’s convenience.

Defendants’ Statement: For the reasons explained in Defendants’ October 2, 2026 opposition to Plaintiffs’ Motion to Compel Discovery from Defendants, Plaintiffs have failed to meet their burden to demonstrate the need to compel disproportionate data discovery beyond the over 10 years of structured data—comprising at least hundreds of millions of claims—that Defendants have already agreed to provide. Furthermore, Plaintiffs’ reference in their position statement to the time period for “unstructured documents” is outside the scope of their motion to compel discovery on structured claims data. Defendants will be prepared to argue their opposition to Plaintiffs’ motion to compel even more structured data at the upcoming conferences on October 8.

B. Search Terms for Defendants Zelis and Aetna

Plaintiffs’ Statement: Also per the Court’s instruction at the September 14 Case Management Conference (Dkt. 323), the parties continued to meet and confer about search terms. As described in Plaintiffs’ search term proposal (Dkt. 342), Plaintiffs were able to agree on search

¹ As stated in Plaintiffs’ motion to compel, this was a compromise Plaintiffs offered to Defendants. See Dkt. 340 at p.2, n.1. Plaintiffs originally requested structured data from January 1, 2012 to the present.

terms with Defendants Cigna, Elevance, Humana, and United. Plaintiffs reached an impasse with Defendants Zelis and Aetna. As a result, Plaintiffs submitted sets of search terms for use across these Defendants' documents for the Court's consideration. *See* Dkt. 342-1 (Zelis Terms); 342-2 (Aetna Terms). Plaintiffs are prepared to address these issues at the hearing, including certain misleading representations made in Zelis's and Aetna's search term proposals.

Since Plaintiffs' submission, the Court dismissed Aetna Inc., based on certain deficiencies in the SAC, but expressly permitted Plaintiffs to "seek leave to amend the SAC to rectify deficiencies." (Dkt. 347 at 15). Plaintiffs therefore disagree with Aetna's characterization of Plaintiffs' search term proposal as to Aetna as moot. Rather, Plaintiffs' search term proposal as to Aetna is not ripe for the Court's consideration at this time.

Defendants' Statements:

Zelis. On September 25, Zelis submitted a position statement and proposed search terms consistent with a reasonable and proportionate scope of discovery for the Court's consideration. Dkt. 343. Zelis provided a further notice regarding the parties' search term proposals on September 29. Dkt. 346. Zelis will be prepared to address this topic at the upcoming status conference, as necessary.

Aetna. As detailed in Aetna Inc.'s position statement, Dkt. 341, Aetna Inc. and Plaintiffs had reached impasse as to Plaintiffs' additional proposed terms that go beyond the scope of what Aetna Inc. agreed to produce as part of its responses and objections to Plaintiffs' RFPs. On September 30, 2026, the Court dismissed all claims against Aetna Inc. *See* Dkt. 347. As a result, Aetna Inc. is no longer a party and will no longer be producing party discovery in this case. Therefore, the search-terms dispute as to Aetna Inc is moot.

C. The Parties' Conferrals Regarding the Court's Order on Defendants' Motion to Compel

Defendants' Statement: Following the Court's September 21, 2026 Order granting in part and denying in part Defendants' Motion to Compel (the "Order"), Defendants reached out to Plaintiffs on September 23 regarding Defendants' revisions to Plaintiffs' proposed search terms to (among other things) conform with the Order, and Plaintiffs' supplementation of their Responses and Objections to Defendants' First Set of Interrogatories to Plaintiffs in compliance with the Order. *See* Dkt. 304 at 18. On September 24, Defendants reached out to Plaintiffs' regarding Plaintiffs' document production obligations under the Order.

Plaintiffs have advised that they will provide supplemental responses to Defendants' First Set of Interrogatories by October 13, 2026; Defendants will review those supplemental responses and meet and confer with Plaintiffs on any issues regarding those responses. In addition, the parties intend to meet and confer regarding the search terms to be applied by Plaintiffs, and Plaintiffs' document production obligations under the Order. To the extent that the parties are unable to resolve any disputes regarding the above matters, Defendants will seek further guidance from the Court.

Plaintiffs' Statement: Plaintiffs likewise anticipate meeting and conferring with Defendants about Plaintiffs' production obligations under the Court's Order on Defendants' Motion to Compel. (Dkt. 337). Plaintiffs have received Defendants' September 24 letter setting forth Defendants' interpretation of the Court's Order and expect to respond to that letter and Defendants' related search term counterproposal early next week.

Dated: October 1, 2026

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October 2026, I caused a copy of the foregoing to be served, via ECF, on all counsel of record.

/s/ Richard M. Paul III