

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN MEDICAL ASSOCIATION,
et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

No. 1:21-cv-03231-RJL

REPLY IN SUPPORT OF MOTION TO ESTABLISH BRIEFING SCHEDULE

The Plaintiffs initially recited that they “seek relief by March 1, 2022—the approximate date arbitrations under the rule are scheduled to begin[.]” ECF No. 3 at 2. Their calculations were off by over a month, as the Defendants explained in their motion to set a briefing schedule, ECF No. 13, and as the Plaintiffs apparently now do not dispute. They instead switch course to contend that immediate briefing is needed to address the “leverage” that insurers are attempting to apply in pricing negotiations, based (apparently) on those insurers’ predictions as to how arbitrations will play out in the future. Whatever relief the Plaintiffs might gain if they were ultimately to prevail on the merits, there is no reason whatsoever to believe that insurers (non-parties to this litigation) would stop attempting to exert “leverage” if a temporary stay were to be ordered during the short period until this Court is able to render a merits decision.

And, most tellingly, the Plaintiffs offer no reason whatsoever to believe that these non-parties’ “leverage” would be affected in any way if the Defendants were to file their brief on January 24 (as the Defendants have proposed) rather than January 6. The Defendants accordingly respectfully request the Court to enter their proposed briefing schedule.

Dated: December 15, 2021

Respectfully submitted,

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