

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, *et al.*,

*Plaintiffs,*

v.

ANTHEM, INC. and CIGNA CORP.,

*Defendants.*

Case No. 1:16-cv-01493-JDB

**ANTHEM’S MOTION AND STATEMENT OF POINTS  
AND AUTHORITY FOR EXPEDITED STATUS CONFERENCE**

This action, brought by the Antitrust Division of the United States Department of Justice and certain States under Section 7 of the Clayton Act, 15 U.S.C. § 18, seeks to enjoin Anthem from acquiring Cigna. Appearances have been entered by counsel for all parties.

Anthem hereby moves pursuant to Rule 16(a) of the Federal Rules of Civil Procedure for an expedited status conference, at the Court’s earliest convenience, at which the parties and the Court may address scheduling and other case-management issues. *See* 15 U.S.C. § 25 (providing that in an injunctive action under Section 7 of the Clayton Act, “the court shall proceed, as soon as may be, to the hearing and determination of the case”). Given deadlines in the merger agreement and the need to obtain regulatory approval from certain State insurance commissions, Anthem wishes to promptly address the timing for trial, as well as certain preliminary matters such as discovery and subpoena power under 15 U.S.C. § 23. While Anthem will not be seeking expedition of this action to the degree that Judge Huvelle expedited matters in *United States v. SunGard Data Systems, Inc.*, 172 F. Supp. 2d 172 (D.D.C. 2001) (conducting trial within 17 days

of filing and then denying injunction within 5 days of trial), Anthem will be seeking expedition to roughly the same extent as this Court expedited matters in *Federal Trade Commission v. Arch Coal, Inc.*, 329 F. Supp. 2d 109 (D.D.C. 2004) (conducting trial within 88 days of filing and then denying injunction within 35 days of trial).

Counsel for Anthem have conferred with counsel for Plaintiffs as to the relief being sought by this Motion. Counsel for Plaintiffs have asked Anthem to refrain from characterizing Plaintiffs' position, but have stated that they will respond "by at least the end of this week, but likely before then. . . . [I]t depends on the length and content of [Anthem's] motion."

Dated: July 25, 2016  
Washington, D.C.

Respectfully submitted,

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*Counsel for Anthem, Inc.*

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2016, a true and correct copy of Anthem's Motion and Statement of Points and Authority for Expedited Status Conference was served via the Court's CM/ECF system or via first class mail, pursuant to Rule 5.4(d) of the Local Civil Rules and Rule 5(b) of the Federal Rules of Civil Procedure, upon the following:

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**[PROPOSED] ORDER SCHEDULING STATUS CONFERENCE**

Upon consideration of Anthem's Motion and Statement of Points and Authority for Expedited Status Conference, it is hereby

**ORDERED** that the Request is **GRANTED**; and it is further

**ORDERED** that a status conference will be held on August \_\_\_, 2016, at \_\_:\_\_\_ m.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE JOHN D. BATES  
UNITED STATES DISTRICT JUDGE

Pursuant to Rule 7(k) of the Local Civil Rules, this order shall be served upon the following:

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