

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

*	*	*	*	*	*	*	*
UNITEDHEALTHCARE OF							*
NEW YORK, INC.,							*
							*
and							*
							*
OXFORD HEALTH INSURANCE, INC.,							*
							*
Plaintiffs,							*
							*
v.							*
							*
MARIA T. VULLO, in her official capacity as							*
Superintendent of Financial Services of the							*
State of New York,							*
							*
Defendant.							*
							*
*	*	*	*	*	*	*	*

Civil Action
No. 1:17-cv-07694-JGK

**REPLY IN SUPPORT OF MOTION TO EXPEDITE BRIEFING AND DECISION ON
PLAINTIFFS’ MOTION FOR INJUNCTION PENDING APPEAL**

Plaintiffs respond to Defendant's opposition (Dkt. 76) to Plaintiffs' motion to expedite briefing and decision on Plaintiffs' motion for injunction pending appeal (Dkt. 74) as follows:

1. Plaintiffs motion to expedite affords Defendant more time (12 days) to respond to Plaintiffs' motion for an injunction pending appeal than it took Plaintiffs (10 days) to file that motion following service on Plaintiffs of the Court's decision denying Plaintiffs' motion for summary judgment and for the entry of a permanent injunction. Despite its objections, Defendant does not identify any prior commitments or otherwise claim it would be prejudiced should the Court grant Plaintiffs' motion. In such circumstances, Defendant can hardly complain that it is being unfairly treated.

2. Plaintiffs' motion to expedite only seeks to reduce modestly, by two days, the 14-day period that would otherwise apply to Defendant's response to Plaintiffs' motion for injunction pending appeal.
3. To respond to Defendant's suggestion that expedited briefing is intended only to serve Plaintiffs' "convenience," Plaintiffs reiterate that their motion to expedite is designed to ensure that the Court can issue a decision on Plaintiffs' motion for injunction pending appeal in time to allow the losing party on that motion sufficient time to raise with the Second Circuit the propriety of an injunction pending appeal, prior to the date Plaintiffs will otherwise be obligated to pay \$65 million to Defendant. Given that purpose and the stakes at issue, Plaintiffs' request for expedited briefing and decision is reasonable and should be granted.

Dated: August 24, 2018

/s/ Jon-Michael Dougherty

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