

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

Civil Action No. 1:22-cv-0481 (CJN)

UNITEDHEALTH GROUP INCORPORATED
and
CHANGE HEALTHCARE INC.,

Defendants.

**THE GOVERNMENT’S MOTION FOR LEAVE TO FILE NOTICE OF
AUTHORITY IN RESPONSE TO THE COURT’S QUESTIONS**

The United States of America, State of Minnesota, and State of New York (collectively, the “Government”) respectfully move for leave to file the attached notice of authority in response to the Court’s questions at closing argument.

The Court raised important questions that implicate the Government’s future enforcement of the antitrust laws. Given the “public interest in effective enforcement of the antitrust laws,” *FTC v. H.J. Heinz Co.*, 246 F.3d 708, 726 (D.C. Cir. 2001), the Government seeks to provide additional legal authority to assist the Court in answering these questions. *See, e.g., MediNatura, Inc. v. FDA*, No. CV 20-2066 (RDM), 2021 WL 1025835, at *5-6 (D.D.C. Mar. 16, 2021) (considering notice of authority filed in response to question raised at oral argument); *Abraha v. Colonial Parking, Inc.*, 243 F. Supp. 3d 179, 183 n.2 (D.D.C. 2017) (denying motion to strike notice of authority filed after motions were fully briefed because the notice was “pertinent and helpful to the resolution of the pending matters”).

Like Defendants, the Government has acted expeditiously to study the Court's questions so as to avoid causing undue delay in the resolution of this matter. *See* 9/8, 84:8-12. The Government notified Defendants of its intent to file this motion and the attached notice of authority, and Defendants indicated that they would file a response "as [they] deem appropriate" after seeing the Government's filing.

Dated: September 12, 2022

Respectfully submitted,

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