

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

UNITEDHEALTH GROUP
INCORPORATED, *et al.*,

Defendants.

Case No. 1:24-cv-03267-JKB

Judge James K. Bredar

**NOTICE OF WITHDRAWAL OF DEFENDANTS' MOTION TO DISMISS
IN LIGHT OF PLAINTIFFS' IDENTIFICATION OF SPECIFIC GEOGRAPHIC
MARKETS**

In their opposition to Defendants' motion to dismiss, Plaintiffs finally identified "the precise counties that would form" the specific geographic markets in which they contend competition likely will be substantially lessened after this proposed transaction. Dkt. No. 92 at 2.¹ That new information moots the basis on which Defendants filed their motion to dismiss. Defendants therefore withdraw their motion to dismiss, Dkt. No. 75, as well as Paragraph 12 of the Proposed Schedule and Case Management Order, Dkt. No. 72-1. Defendants will promptly Answer the Complaint and prepare for an expedient trial.

¹ Plaintiffs continue to allege two alternative market definitions—the 75% and 90% service areas of each party facility. But two alternatives is *far* greater specificity than Plaintiffs provided previously. In the interest of the Court's time and moving this time-sensitive case forward promptly, Defendants are willing to proceed and close the pleadings. Defendants' concerns about the ultimate propriety of both of Plaintiffs' now-identified approaches to geographic markets in this matter may be addressed with the benefit of discovery at later stages in the case.

Respectfully submitted,

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