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December 2, 2025

Via ECF

The Honorable Lee G. Dunst, U.S.M.J.
United States District Court, E.D.N.Y.
100 Federal Plaza, Courtroom 830
Central Islip, NY 11201

Re: *Neurological Surgery Practice of Long Island, PLLC v. EmblemHealth, Inc. et al.*
Case No. 2:23-cv-09188-JMA-LGD
Joint Status Report

Dear Magistrate Judge Dunst:

We represent Defendants/Counterclaim-Plaintiffs EmblemHealth, Inc., Group Health Incorporated and Health Insurance Plan of Greater New York (“Emblem”) in the above-referenced action. We submit this letter together with counsel for Plaintiff/Counterclaim Defendant Neurological Surgery Practice of Long Island, PLLC (“NSPOLI”) to provide a joint status report, as ordered by Your Honor on November 18, 2025.

This action was commenced by NSPOLI to confirm/enforce awards that were issued by default in 18 separate Independent Dispute Resolution (“IDR”) proceedings filed by NSPOLI under the federal No Surprises Act (“NSA”). Emblem has asserted Counterclaims to vacate the 18 IDR awards pursuant to 42 U.S.C. §§ 300gg-111(c)(5)(E)(II) and 9 U.S.C. § 10 (a), on the grounds that Emblem allegedly never received notice of, and had no opportunity to participate in, the IDR proceedings.

All discovery, including the production of documents and depositions, has been completed. By letters dated May 9 and July 25, 2025, Emblem requested a pre-motion conference in anticipation of filing a motion for summary judgment on its Counterclaims and NSPOLI’s Claims. (Dkt. Nos. 42 and 45). At the pre-motion conference on September 23, 2025, Hon. Joan M. Azrack referred the matter to Your Honor for a settlement conference. The settlement conference was scheduled for December 4, 2025.

Although the pending action is limited to the 18 IDR awards referred to above, counsel for both parties discussed that it would make sense to explore settlement of all outstanding disputed IDR awards involving the parties. Accordingly, following the conference with Judge Azrack, Emblem’s counsel requested that NSPOLI provide them with the purported additional IDR awards that it claims have been issued in its favor against Emblem so that these purported awards could

be included in any settlement discussions. On November 14, 2025, Emblem's counsel received an email from NSPOLI's counsel with a list of 86 purported additional IDR awards that NSPOLI claims have been issued in its favor, and which aggregate to over \$4.9 million. In light of this new information, by letter dated November 17, 2025 to Your Honor, Emblem's counsel requested an adjournment of the conference so that they could have a reasonable opportunity to determine the facts underlying these purported awards, including whether they were improperly entered against Emblem. As Your Honor is aware, NSPOLI would not agree to an adjournment and, accordingly, Your Honor cancelled the settlement conference.

As directed by Your Honor, counsel for the parties met and conferred in good faith by telephone on November 26, 2025. During the meet and confer, both parties agreed that all discovery has been completed.

Emblem is prepared to file its motion for summary judgment and reiterates its request for leave to do so.

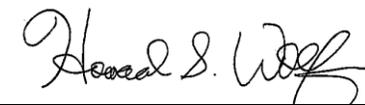
Counsel for NSPOLI would like to still proceed with a settlement conference. By email dated November 24, 2025, Emblem's counsel requested that NSPOLI provide them with various information for all 86 of the additional purported awards, including: 1) a copy of the award; 2) a copy of the open negotiation request and proof that it was sent to Emblem; 3) a copy of the notice of initiation of the IDR proceeding and proof that it was timely filed; 4) proof that the initiation request was timely sent to Emblem; and 5) proof that the procedure at issue was eligible for inclusion under the Federal NSA. Based upon NSPOLI's counsel's representation that all of the information and documentation requested will be provided to Emblem's counsel by December 12, 2025, Emblem has agreed to such a settlement conference. The parties propose that the conference be scheduled for mid-January 2026.

Thank you for your courtesy and consideration of this matter.

Respectfully,

TARTER KRINSKY & DROGIN LLP
*Attorneys for Defendants/Counterclaim
Plaintiffs*

By: _____



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