

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

NOT FOR PUBLICATION

PREMIER HEALTH CENTER, P.C.,
et al.

Plaintiffs,

v.

UNITED HEALTH GROUP, et al.,

Defendants.

Civil No. 11-425-ES-SCM

**OPINION AND ORDER ON
PLAINTIFFS' MOTION FOR LEAVE
TO AMEND THEIR COMPLAINT**

[D.E. 117]

This matter having come before the Court by way of Plaintiffs' motion for leave to file a Second Amended Complaint. [Docket Entry ("D.E.") 117]. Defendants have advised the Court by way of written submission dated June 26, 2012, [D.E. 125] that they do not oppose Plaintiffs' motion.¹

¹ In their June 26, 2012 submission to the Court Defendants do not oppose the instant motion. However, Defendants assert that plaintiff Judson G. Sprandel, II, D.C ("Dr. Sprandel") should not be allowed to participate in the instant action as a plaintiff because his claims have been previously dismissed by the Court pursuant to an arbitration clause. Defendants further submit that Dr. Sprandel should not be allowed to participate as a plaintiff unless and until he successfully petitions this Court for reconsideration of its Order compelling him to arbitrate. [See D.E. 125, Defendants' Response to Plaintiffs Motion to File Amended Complaint "Df. Rsp."]. Plaintiffs counter argue that Dr. Sprandel was compelled to arbitration based on unclear and/or erroneous averments in the original Complaint that have been clarified in the Second Amended Complaint. [See D.E. 129, Plaintiffs' Reply ("Pl. Reply")]. Therefore, according Plaintiffs, Dr. Sprandel should be allowed

The motion is therefore uncontested. The Court having considered Plaintiffs' submission, Federal Rule of Civil Procedure 15, and the case law governing motions to amend the pleadings; and for good cause shown,

IT IS on this 28th day of March, 2013

ORDERED that Plaintiff's motion [D.E. No. 117] for leave to file a Second Amended Complaint is granted. Plaintiffs shall file and serve the amended pleading within the time provided by the Federal Rules of Civil Procedure.

s/ Steven C. Mannion
HONORABLE STEVEN C. MANNION
UNITED STATES MAGISTRATE JUDGE

3/28/2013 4:19:18 PM

Date: March 28, 2013

to proceed as a plaintiff under the Second Amended Complaint. *Id.* It is the view of the Court that the instant Motion should be granted with Dr. Sprandel being allowed to proceed as a plaintiff. The question of whether Dr. Sprandel was or was not, during the relevant time period an in-network provider (making him subject to arbitration) or an out-of-network provider is a question of fact that the parties may going forward through Motions, if necessary. For the purposes of this Motion, the Court is satisfied, based on Plaintiffs' averments as set forth in their moving brief [see D.E. 117-1, Plaintiffs' Moving Brief ("Pl. Br."), p. 3] that Dr. Sprandel's status was made clear via documents produced by Defendant United Health Group during discovery thereby justifying granting leave to amend pursuant to Rule 15 (the Court also notes that Defendants did not argue otherwise in their response). In addition, pending before the Court is Plaintiff's motion for reconsideration [D.E. 187]. Therefore, because the Court and the parties all have an interest in the instant matter proceeding forward on the merits, the Court is inclined to grant Plaintiffs' Motion and allow the proposed Second Amended Complaint to be filed as captioned.