

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMERGENCY PHYSICIAN SERVICES OF NEW
YORK, ET AL.,

Plaintiffs,

20-cv-9183 (JGK)

- against -

MEMORANDUM OPINION
AND ORDER

UNITEDHEALTH GROUP, INC., ET AL.,
Defendants.

JOHN G. KOELTL, District Judge:

In a motion for clarification or reconsideration, ECF No. 179, the plaintiffs quarrel with a comment that the Court made in deciding objections to a discovery ruling by the Magistrate Judge. The Court ruled that the plaintiffs were required to produce documents reflecting their costs in a case in which the plaintiffs were seeking reimbursement from the defendants under a theory of unjust enrichment. See ECF No. 176. The plaintiffs do not dispute this Court's holding that they are required to produce those documents and are complying with that order. They quarrel with a comment that the Court made in the course of its ruling to the effect that "if the defendants reimburse the plaintiffs at a rate equal to or above the plaintiffs' costs for rendering the services at issue, then the defendants did not benefit at the plaintiffs' expense." ECF No. 180 at 3. But that comment was not essential to the Court's holding that documents concerning the plaintiffs' costs were relevant to a determination of whether the defendants were unjustly enriched.

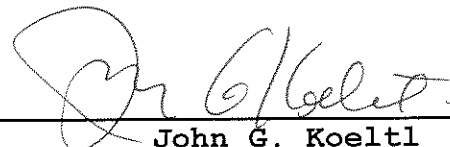
The plaintiffs argue that the proper standard for unjust enrichment is the "reasonable value" of the services provided. See ECF No. 180 at 6-7. But that does not mean that the costs of the services rendered is irrelevant to the "reasonable value" of the services provided. The ultimate determination of whether the defendants were unjustly enriched and the evidence that can be used to make that determination should await motions for summary judgment and pre-trial motions.

CONCLUSION

The Court has considered all of the arguments raised by the parties. To the extent not specifically addressed above, the arguments are either moot or without merit. For the reasons explained above, the motion for clarification of reconsideration is **denied**. The Clerk is directed to close Docket No. 179.

SO ORDERED.

**Dated: New York, New York
September 19, 2022**



**John G. Koeltl
United States District Judge**