

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

<p>UNIVERSAL HEALTH SERVICES, INC. et al.,</p> <p style="text-align:center">Plaintiffs,</p> <p>v.</p> <p>MEDICAL FACULTY ASSOCIATES et al.,</p> <p style="text-align:center">Defendants.</p>	<p>Case Nos. 2024-CAB-2082 2024-CAB-2307</p> <p>Judge Tanya M. Jones Bosier</p> <p>Next Event: Remote Status Hearing on July 25, 2024, at 9:30 AM</p>
---	--

ORDER STAYING CASE

Pending before the Court are the following motions:¹ (1) Defendant’s Motion to Dismiss the Complaint, filed June 3, 2024 in 2024-CAB-2082; (2) Defendant’s Motion to Dismiss the Complaint, filed July 8, 2024 in 2024-CAB-2307; (3) Plaintiff’s Motion to Compel Defendants’ Response to Plaintiff’s First Set of Requests for Production, filed July 25, 2024; (4) Defendants’ Unopposed Motion to File Under Seal Defendants’ Opposition to Plaintiff’s Motion to Compel, filed August 8, 2024; and (5) Plaintiff’s Unopposed Motion to File Under Seal its Reply to Defendants’ Opposition, filed August 12, 2024. Based on the record and for the reasons stated below, the Court now clarifies the stay in the above-captioned matters, grants the pending unopposed motions to seal, and holds in abeyance the remaining motions.

Background

This matter arises out of a Complaint for contract enforcement and declaratory judgment. On August 28, 2024, this Court entered an Order Granting in Part Plaintiffs’ May 13, 2024, Motion

¹ The above-captioned matters are consolidated. Unless otherwise indicated, the listed motions are docketed and pending in both matters.

to Compel Arbitration (“August 28, 2024, Order”) and ordered the Parties to “[arbitrate] United Health Services, Inc. (“UHS”) UHS’ declaratory judgment claim consistent with the terms of the Operating and Academic Affiliation Agreement (“OAAA”) to resolve the issue of whether UHS properly withheld Graduate Medical Education (“GME”) reimbursements in its accounting of the Mission Support Payments and corresponding Net Patient Service Revenue (“NPSR”) to George Washington University (“GWU”).” *See* Order (Aug. 28, 2024) at 12. The Court further ordered that the matter is stayed pending conclusion of the Parties’ arbitration. Thereafter, Plaintiffs filed a Notice of Appeal, which the District of Columbia Court of Appeals (“DCCA”) accepted on September 13, 2024. The appeal remains pending. *See* DCCA Order (Feb. 3, 2024) (“...a briefing order will be issued upon the filing of the record index, by the Clerk of the Superior Court, in accordance with D.C. App. R. 11(b)(3)(A).”).

Relevant Legal Standards

I. Motions to Seal

Superior Court Civil Rule 5-III provides that “no case or document may be sealed without a written court order.” D.C. Super. Ct. Civ. R. 5-III(a)(1). When determining whether to grant a motion to seal, the Court considers the following:

(1) the need for public access to the documents at issue; (2) the extent to which the public had access to the document prior to the sealing order; (3) the fact that a party has objected to disclosure and the identity of that party; (4) the strength of the property and privacy interests involved; (5) the possibility of prejudice to those opposing disclosure; and (6) the purpose for which the documents were introduced.

J.C. v. District of Columbia, 199 A.3d 192, 207 (D.C. 2018).

II. Staying a Matter

“The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the [cases] on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Bradley v. Triplex Shoe Co.*, 66 A.2d 208, 209 (D.C. 1949) (quoting *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)). “A trial court has broad discretion to stay all proceedings in an action pending the resolution of independent proceedings elsewhere.” *See Hussain v. Lewis*, 848 F. Supp. 2d 1, 2 (D. D.C. 2012) (quoting *Hisler v. Gallaudet Univ.*, 344 F. Supp. 2d 29, 35 (D. D.C. 2004)); *see also In re H.B.*, 855 A.2d 1091, 1097 (D.C. 2004).

Discussion

The Court first grants the two outstanding motions requesting leave to file under seal.² In Defendants’ Unopposed Motion to File Under Seal Defendants’ Opposition to Plaintiffs’ Motion to Compel Defendants’ Response to Plaintiffs’ First Set of Requests for Production, filed August 8, 2024, Defendants “request leave to file [the Motion] with confidential portions redacted,” since it contains supporting materials subject to a Confidentiality Agreement between the Parties dated August 22, 2022. On August 12, 2024, Plaintiff UHS filed an Unopposed Motion to File Under Seal its Reply Memorandum of Points and Authorities in Support of UHS’s Motion to Dismiss GW’s Amended Complaint, also citing the Confidentiality Agreement and making the same request to file its Motion with relevant portions redacted. Based on the consent of the Parties, the

² The Court previously notified Parties on August 1, 2024, that it would no longer grant motions to seal, and filings would instead need to be made with redactions moving forward. Thereafter, the Parties spoke with the Court’s clerk on August 8, 2024, wherein Defendants requested to file its Opposition to Plaintiff’s Motion to Compel under seal. The Court’s clerk instructed the Parties to file a motion seeking leave of Court to file under seal. The instant Motion and Plaintiff’s subsequent Motion to File Under Seal its Reply in Support of its Motion to Dismiss Defendant GW’s Amended Complaint followed. Both have remained pending.

Confidentiality Agreement and related policy implications, and for good cause shown, the Court believes it is appropriate to grant leave to file under seal.

Next, the Court now clarifies the status of the above-captioned matters. In the Court's August 28, 2024, Order, the Court stayed the matters pending conclusion of the Parties' arbitration, which is now subject to an appeal before the DCCA. Because the Court entered a stay pending arbitration, and the DCCA is addressing whether the Parties should be compelled to arbitrate pursuant to the August 28, 2024, Order, the Court finds it beneficial to continue the stay pending resolution of the appeal. *See id.*

Accordingly, it is this 11th day of February, 2025, hereby:

ORDERED that Defendant's Unopposed Motion to File Under Seal Defendants' Opposition to Plaintiffs' Motion to Compel Defendants' Response to Plaintiffs' First Set of Requests for Production is **GRANTED**. It is further

ORDERED that Plaintiff UHS's Unopposed Motion to File Under Seal its Reply Memorandum of Points and Authorities in Support of UHS's Motion to Dismiss GW's Amended Complaint is **GRANTED**. It is further

ORDERED that Defendants and Plaintiff UHS are granted leave to file under seal their respective Motions. It is further

ORDERED that the Clerk of the Court shall accept for filing *nunc pro tunc* to the date of filing and maintain the aforementioned documents under seal until further order of this Court. It is further

ORDERED that the above-captioned matters are **STAYED** and the **STAY SHALL REMAIN IN EFFECT** until a Remote Status Hearing on July 25, 2024, at 9:30 AM. It is further

ORDERED that the Remote Mediation Session currently scheduled for July 1, 2025, at 9:30 AM, and the Remote Status Hearing currently scheduled for February 14, 2025, are **VACATED**. It is further


ORDERED that Parties shall appear for the Remote Status Hearing on July 25, 2024, at 9:30 AM in Courtroom 212 of the Superior Court of the District of Columbia, 500 Indiana Avenue, NW, Washington, DC 20001. It is further

ORDERED that Parties shall appear in person or remotely via WebEx, and Parties shall access remote courtroom 212 via WebEx as follows:

WebEx Direct URL (Laptop/App): <https://dcccourts.webex.com/meet/ctb212>
WebEx Phone Toll Free: 844-992-4726
WebEx Meeting ID: 129 440 9070
DC Courts WebEx Site URL: <https://dcccourts.webex.com>

IT IS FURTHER ORDERED that if the Parties seek to reschedule the July 25, 2024, Remote Status Hearing to a time earlier or later in light of the proceedings currently pending before the D.C. Court of Appeals, the Parties shall file a Motion with the Court and propose a date(s) that work for the Parties.

IT IS SO ORDERED.



Tanya M. Jones Bosier
Associate Judge
Superior Court of the District of Columbia

Copies e-filed and e-served on all Parties of record via Odyssey

**Instructions for Remote Hearings by Telephone or Video
Before Judge Tanya M. Jones Bosier (CR 212)**

Remote hearings by telephone or video conferences will be held in a virtual courtroom, which the parties and counsel may access in the following ways:

- (1) Dial-in by Phone (Audio Only)
 - a. Dial the toll free number: 1-844-992-4726 or 202-860-2110
 - b. Enter meeting ID number **129 440 9070#**, press # again to enter session
- (2) Laptop/Desktop Webex
 - a. Open web browser and enter: <https://dccourts.webex.com/meet/ctb212> or go to <https://dccourts.webex.com> and enter the meeting ID number **129 705 0412**
- (3) WebEx App
 - a. WebEx Meetings app, opening the app, select Join Meeting, and enter <https://dccourts.webex.com/meet/ctb212>.

The WebEx platform has video capability, which can be utilized through the website or the app. If you have trouble gaining access to the virtual courtroom, please call the judge's chambers at (202) 879- 8397.

NOTE: Counsel is required to appear via WebEx video and log in so that their name appears on screen, absent extenuating circumstances that make it necessary for them to appear via telephone, or unless telephonic appearance is approved by Chambers prior to the hearing. All other parties are highly encouraged, but not required, to appear via WebEx video and identify themselves by name.

Please note the following guidelines for appearing in the virtual courtroom:

- (1) When you enter the virtual courtroom (by dialing in on a phone, or signing in through the website or app), you should not attempt to speak because another hearing may be underway. You should be automatically muted by the courtroom clerk when you first arrive. If you are using the WebEx website or the app, you may check in with the courtroom clerk using the "chat" function. If you are on a telephone, you should wait for your case to be called.
- (2) At the check-in time (which is specified in the Order setting the hearing), the courtroom clerk will perform a roll call to determine which parties and counsel are present. The courtroom clerk will then call the matters that are ready.
- (3) If parties or counsel "arrive" in the virtual courtroom after roll call, they should not attempt to speak because another hearing may be underway. If they are using the WebEx website or the app, they may check in with the courtroom clerk using the "chat" function. If they are calling in by telephone, they should wait for their case to be called.

If a party or counsel intends to rely on exhibits or other documents during the hearing, the party or counsel shall e-mail the exhibits to the Court at JudgeJonesBosierChamber@dcsc.gov, copying all parties, no later than 5:00 p.m. the day before the hearing. The party or counsel must also file the exhibits on the docket using the Court filing system and provide a copy of the exhibit to any witness

before the hearing. The exhibits must be separately labeled so that they can be easily identified by all parties and the Court during the remote hearing.