

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
ASSOCIATION OF AIR MEDICAL SERVICES,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-03031-RJL
)	
U.S. DEPARTMENT OF HEALTH AND)	Consolidated with
HUMAN SERVICES, <i>et al.</i> ,)	No. 1:21-cv-03231-RJL
)	
Defendants.)	
_____)	

DEFENDANTS’ RESPONSE TO NOTICES OF SUPPLEMENTAL AUTHORITY

The Defendants respectfully submit this response to the Plaintiffs’ notices of supplemental authority. ECF No. 64, ECF No. 65. These notices informed the Court of the Defendants’ filing of a notice of appeal of the judgment in *Texas Medical Association v. U.S. Department of Health and Human Services*, No. 6:21-cv-425-JDK (E.D. Tex.), *see* ECF No. 64, and the Defendants’ filing of a motion in the Fifth Circuit to hold that appeal in abeyance during the pendency of ongoing rulemaking proceedings, *see* ECF No. 65.

The Defendants respectfully inform the Court that the United States Court of Appeals for the Fifth Circuit has granted their motion, and has “stay[ed] further proceedings in [that] court pending ongoing rulemaking proceedings involving provisions of the No Surprises Act[.]” Order, *Tex. Med. Ass’n v. U.S. Dep’t of Health & Human Servs.*, No. 22-40264 (5th Cir. May 3, 2022) (attached hereto as Exhibit 1).

Dated: May 3, 2022

Respectfully submitted,

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Exhibit 1

United States Court of Appeals
for the Fifth Circuit

No. 22-40264

TEXAS MEDICAL ASSOCIATION; ADAM CORLEY,

Plaintiffs—Appellees,

versus

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT OF TREASURY; UNITED STATES OFFICE OF PERSONNEL MANAGEMENT; XAVIER BECERRA, *Secretary, U.S. Department of Health and Human Services*; JANET YELLEN, *Secretary, U.S. Department of Treasury*; MARTIN WALSH, *Secretary, U.S. Department of Labor*; KIRAN AHUJA, *Director of the Office of Personnel Management,*


Defendants—Appellants.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:21-CV-425

ORDER:

IT IS ORDERED that Appellants' unopposed motion to stay further proceedings in this court pending ongoing rulemaking proceedings involving provisions of the No Surprises Act, with a status report due every sixty (60) days, is GRANTED.

No. 22-40264



GREGG COSTA
United States Circuit Judge