

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

LIFENET, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, *et al.*,

Defendants.

No. 6:22-cv-00162-JDK

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY**

The Defendants have noted that they are preparing a final rule that will address the arbitration process under the No Surprises Act both for air ambulance and non-air ambulance providers, and that they anticipate that the final rule will be issued in the coming weeks. *See* Defs.' Cross-Mot. for S.J. or, in the Alternative, for Jurisdictional Discovery at 12, ECF No. 31; Defs.' Reply Mem. in Support of Their Cross-Mot. for S.J. or, in the Alternative, for Jurisdictional Discovery at 1, ECF No. 36.

The Defendants respectfully inform the Court that, on June 15, 2022, they transmitted a draft of this final rule to the Office of Information and Regulatory Affairs ("OIRA") of the Office of Management and Budget. *See* OIRA, *List of Regulatory Actions Currently Under Review*, <https://www.reginfo.gov/public/do/eoDetails?rrid=250613>.

Dated: June 17, 2022

Respectfully submitted,

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify on this 17th day of June, 2022, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

/s/ Joel McElvain  
JOEL McELVAIN