United States Court of Appeals for the Fifth Circuit

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No. 23-10326

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BRAIDWOOD MANAGEMENT, INCORPORATED; JOHN SCOTT KELLEY; KELLEY ORTHODONTICS; ASHLEY MAXWELL; ZACH MAXWELL; JOEL STARNES,

Plaintiffs—Appellees/Cross-Appellants,

JOEL MILLER; GREGORY SCHEIDEMAN,

Plaintiffs—Cross-Appellants,

versus

XAVIER BECERRA, *Secretary, U.S. Department of Health and Human Services, in his official capacity as Secretary of Health and Human Services*; UNITED STATES OF AMERICA; JANET YELLEN, *Secretary, U.S. Department of Treasury, in her official capacity as Secretary of the Treasury*; JULIE A. SU, *Acting Secretary, U.S. Department of Labor, in her official capacity as Secretary of Labor*,

Defendants—Appellants/Cross-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:20-CV-283

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Before WILLETT, WILSON, and RAMIREZ, *Circuit Judges*.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED IN PART and REVERSED IN PART, and the cause is REMANDED to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party bear its own costs on appeal.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.