## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

GUARDIAN FLIGHT, LLC	§	
Plaintiff	§	
	§	
v.	§	
	§	Civil Action No. 4:22-CV-03805
<b>AETNA HEALTH, INC. and</b>	§	Judge Alfred Bennett
MEDICAL EVALUATORS OF	ş	Suage mil ea Demiete
TEXAS ASO, LLC,	ş	
Defendants	ş	
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REACH AIR MEDICAL SERVICES LLC., CALSTAR AIR MEDICAL	§ §	
SERICES, LLC., AND GUARDIAN	ş	
FLIGHT LLC.,	Ş	
Plaintiffs	§	Civil Action No. 4:22-CV-03979
	§	Judge Alfred Bennett
v.	§	
	§	
KAISER FOUNDATION HEALTH	§	
PLAN INC., AND MEDICAL		
EVALUATORS OF TEXAS ASO,		
LLC.,		
Defendants		

## **NOTICE OF APPEAL**

Defendant Medical Evaluator's of Texas, LLC, hereby appeal, pursuant to 28 U.S.C. § 1291, *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 69 S.Ct. 1221, 93 L.Ed.2d 1528 (1949), and *Austin Municipal Secur., Inc. v. National Asso. of Sec. Dealers, Inc.*, 757 F.2d 676 (5<sup>th</sup> Cir. 1985) to the United States Court of Appeals for the Fifth Circuit, from the Order denying Defendants Motion to Dismiss entered on January 5, 2024, by the United States District Court,

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Southern District of Texas, Houston Division, which denied MET's request that the case against it be dismissed on grounds of arbitrator immunity.

This appeal meets the three requirements set forth in *Cohen* for taking a direct appeal from an "final decision" pursuant to the collateral orders doctrine: (a) the appeal will conclusively determine the disputed question, (b) resolve an important issue completely separate from the merits of the action, and (c) decide an issue effectively unreviewable on appeal from a final judgment. *See Austin Municipal Secur., Inc.,* 757 F.2d at 685; *see also Cohen,* 337 U.S. at 546 (order appealable because "[t]he matters embraced in the order are not of such an interlocutory nature as to affect, or to be affected by, a decision on the merits; and (b) the order is appealable because it is a final disposition of a claimed right which is not an ingredient of the cause of action and does not require consideration with it.").

Respectfully submitted,

### THE VETHAN LAW FIRM, PC

By: /s/ Joseph L. Lanza

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Attorneys for Defendant Medical Evaluators of Texas ASO, LLC

# **CERTIFICATE OF SERVICE**

The undersigned attorney certifies that a true and correct copy of the foregoing Defendant MET's Notice of appeal served on all counsel of record or registered agents, on the 5th day of February 2024 in compliance with the Federal Rules of Civil Procedure.

By: /s/ Joseph L. Lanza Joseph L. Lanza