

United States Courts  
Southern District of Texas  
FILED

July 03, 2025

Nathan Ochsner, Clerk of Court

**United States Court of Appeals  
for the Fifth Circuit**

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No. 24-20051

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United States Court of Appeals  
Fifth Circuit

**FILED**

June 12, 2025

Lyle W. Cayce  
Clerk

GUARDIAN FLIGHT, L.L.C.,

*Plaintiff—Appellee,*

*versus*

MEDICAL EVALUATORS OF TEXAS ASO, L.L.C.,

*Defendant—Appellant,*

CONSOLIDATED WITH

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No. 24-20204

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GUARDIAN FLIGHT, L.L.C.; REACH AIR MEDICAL SERVICES,  
L.L.C.; CALSTAR AIR MEDICAL SERVICES, L.L.C.,

*Plaintiffs—Appellants,*

*versus*

AETNA HEALTH, INCORPORATED; KAISER FOUNDATION  
HEALTH PLAN, INCORPORATED,

*Defendants—Appellees.*

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No. 24-20051  
c/w No. 24-20204

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:22-CV-3805  
USDC No. 4:22-CV-3805  
USDC No. 4:22-CV-3979

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Before SMITH, CLEMENT, and DUNCAN, *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 we AFFIRM the district court's order dismissing Guardian Flight, CALSTAR, and REACH's claims against Aetna and Kaiser.

We REVERSE the district court's order denying MET's motion to dismiss, and REMAND with the direction that Guardian Flight, CALSTAR, and REACH's claims against MET be dismissed.

IT IS FURTHER ORDERED that Plaintiff-Appellee Guardian Flight, L.L.C. and Plaintiff-Appellants Guardian Flight, L.L.C.; Reach Air Medical Services, L.L.C.; Calstar Air Medical Services, L.L.C. pay to Defendant-Appellees Medical Evaluators of Texas ASO, L.L.C.; Aetna Health, Incorporated; Kaiser Foundation Health Plan, Incorporated the costs on appeal to be taxed by the Clerk of this Court.

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.



Certified as a true copy and issued  
as the mandate on Jul 03, 2025

2

Attest: *Steph W. Cayer*  
Clerk, U.S. Court of Appeals, Fifth Circuit

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
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Suite 115  
NEW ORLEANS, LA 70130

July 03, 2025

Mr. Nathan Ochsner  
Southern District of Texas, Houston  
United States District Court  
515 Rusk Street  
Room 5300  
Houston, TX 77002

No. 24-20051      Guardian Flt v. Med Evaluators  
USDC No. 4:22-CV-3805  
USDC No. 4:22-CV-3805  
USDC No. 4:22-CV-3979

Dear Mr. Ochsner,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk

By: Rebecca Andry  
Rebecca Andry, Deputy Clerk  
504-310-7638

cc w/encl:

Ms. Alexa Baltes  
Mr. John Burns  
Mr. Dewey Jude Gonsoulin III  
Ms. Sarah Clark Griffin  
Mr. Matthew G. Halgren  
Mr. David Watson Hughes  
Ms. Hyland Hunt  
Mr. Mohammad Keshavarzi  
Mr. Joseph Leo Lanza  
Ms. Megan Kathleen McKisson  
Mr. Adam T. Schramek  
Mr. John Bruce Shely  
Mrs. Mary Katherine Strahan  
Ms. Charlotte Taylor