

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
LONDON

CIVIL ACTION NO. 6:22-CV-00095-REW-EBA

Phi Health, LLC, *et al.*,

PLAINTIFFS,

V.

**ORDER**

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

DEFENDANTS.

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Plaintiffs PHI Health, LLC and EMpact Midwest, request an extension of to file their motion for leave to amend their complaint on June 27, 2023. Plaintiffs specifically request that their deadline to file a motion to amend the complaint should be adjusted to 30 days after the entry of an order disposing of the pending cross-motions for summary judgment filed in *Texas Medical Association v. U.S. Dep't of Health and Hum. Servs. et al.*, Case No. 22-cv-450 (lead case) (“TMA III”) and *LifeNet, Inc. et al. v. U.S. Dep't of Health and Hum. Servs. et al.*, Case No. 22-cv-453 (consol. case) (“LifeNet III”). Plaintiffs further proffer that the Defendants do not oppose the motion, so long as they are allowed 60 days to answer or otherwise respond to the amended complaint. Having fully considered the motion, and the Court being otherwise sufficiently advised,

IT IS ORDERED that:

1. Plaintiffs’ Motion for Extension of Time [R. 41] is GRANTED;
2. On the first Monday of each month, the parties shall file a Joint Status Report indicating the status of the pending cross motions for summary judgment in the above named

- Eastern District of Texas cases, including whether the motions have been resolved;
3. Thirty (30) days after the resolution of the pending cross motions for summary judgment in the above Eastern District of Texas cases, Plaintiffs shall file a motion for leave to amend their Complaint pursuant to Federal Rules of Civil Procedure 15(a)(2);  
and
  4. After sixty (60) days of entry of Plaintiffs' amended complaint, the Defendants shall answer or otherwise respond to the pleading.

Signed June 26, 2023.



**Signed By:**

**Edward B. Atkins** *EBA*

**United States Magistrate Judge**