

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION AT LONDON**

PHI HEALTH, LLC, and EMPACT MIDWEST LLC,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND HUMAN  
SERVICES,

XAVIER BECERRA, in his official capacity as  
Secretary of Health and Human Services,

OFFICE OF PERSONNEL MANAGEMENT,

KIRAN AHUJA, in her official capacity as Director of  
the U.S. Office of Personnel Management,

U.S. DEPARTMENT OF LABOR,

JULIE SU, in her official capacity as Acting Secretary  
of Labor,

U.S. EMPLOYEE BENEFITS SECURITY  
ADMINISTRATION,

LISA GOMEZ, in her official capacity as the Assistant  
Secretary for the Employee Benefits Security  
Administration,

U.S. DEPARTMENT OF THE TREASURY,

JANET YELLEN, in her official capacity as Secretary  
of the Treasury,

INTERNAL REVENUE SERVICE, and

DANNY WERFEL, in his official capacity as  
Commissioner of Internal Revenue,

Defendants.

**Case 6:22-cv-00095**

**JOINT STATUS REPORT**

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Pursuant to the Court’s order of September 12, 2024, ECF 65, the parties respectfully submit this Joint Status Report.

***TMA III and LifeNet III***

On August 24, 2023, the United States District Court for the Eastern District of Texas granted in part and denied in part the parties’ cross-motions for summary judgment in *Texas Medical Association v. U.S. Department of Health and Human Services*, No. 22-cv-450 (E.D. Tex.) (lead case) (“*TMA III*”), and *LifeNet, Inc. v. U.S. Department of Health and Human Services*, No. 22-cv-453 (E.D. Tex.) (“*LifeNet III*”). On October 30, 2024, the Fifth Circuit reversed portions of the district court’s ruling and affirmed others. *Tex. Med. Ass’n v. U.S. Dep’t of Health & Human Servs.*, 23-40605, 120 F.4th 494 (5th Cir. 2024). As relevant here, the Fifth Circuit upheld the portions of the rule that Plaintiffs challenge in this case. The time to seek further review of the Fifth Circuit’s decision has not expired.

In light of the status of this related litigation, Plaintiffs request that the stay in this matter should remain in place, and Defendants do not oppose that request.

Dated: December 3, 2024

Respectfully submitted,

*/s/ Chrisandrea L. Turner*

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