



United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 21, 2024

Lyle W. Cayce
Clerk

Certified as a true copy and issued
as the mandate on Aug 13, 2024

Attest: *Lyle W. Cayce*
Clerk, U.S. Court of Appeals, Fifth Circuit

No. 23-10326

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.

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

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.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 13, 2024

Ms. Karen S. Mitchell
Northern District of Texas, Fort Worth
United States District Court
501 W. 10th Street
Room 310
Fort Worth, TX 76102

No. 23-10326 Braidwood Mgmt v. Becerra
USDC No. 4:20-CV-283

Dear Ms. Mitchell,

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

Sincerely,

LYLE W. CAYCE, Clerk

Renee Mc Donough

By: _____
Renee S. McDonough, Deputy Clerk
504-310-7673

cc:

Mr. Daniel J. Aguilar
Mr. Kwaku A. Akowuah
Mr. K. Lee Blalack II
Mr. Brian David Boyle
Mr. Jay R. Carson
Ms. Connie K. Chan
Ms. Barbara Chisholm
Mr. Andrew H. DeVoogd
Mr. Jonathan Michael Eisenberg
Mr. Charles William Fillmore
Ms. Carrie Yvette Flaxman
Mr. David Charles Frederick
Ms. Madeline Gitomer
Mr. Gene Patrick Hamilton
Mr. Matthew S. Hellman
Mr. Richard Hughes IV

Ms. Sarah A Hunger
Mr. Daniel Jarcho
Ms. Corinne Johnson
Mr. Madeleine Joseph
Mr. Christopher M. Lynch
Mr. Sean Michael Marotta
Mr. Jonathan F. Mitchell
Martha Jane Perkins
Ms. Beth Bivans Petronio
Ms. Lanora Christine Pettit
Mr. Andrew John Pincus
Ms. Claire Prestel
Mr. Michael S. Raab
William Alvarado Rivera
Mr. Nicolas Sansone
Mr. Brian Walters Stoltz
Ms. Alison Ann Tanner
Mr. David Willner
Ms. Allison M. Zieve