

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

<b>FRANCISCAN ALLIANCE, INC. et al.,</b>	§	
	§	
<b>Plaintiffs,</b>	§	
	§	
v.	§	<b>Civil Action No. 7:16-cv-00108-O</b>
	§	
<b>XAVIER BECERRA, Secretary of the United States Department of Health and Human Services; and UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,</b>	§	
	§	
<b>Defendants.</b>	§	

**ORDER**

Before the Court is the parties’ Joint Status Report (ECF No. 198), filed April 22, 2021. According to the Report, in light of the Fifth Circuit’s remand in *Franciscan All., Inc. v. Becerra*, \_\_\_ F. App’x \_\_\_, 2021 WL 1440102 (5th Cir. Apr. 15, 2021) (per curiam), Private Plaintiffs intend to continue to seek judgment as a matter of law, and the parties suggest supplemental briefing on the specific issues highlighted in the Fifth Circuit’s remand order. *See* ECF No. 198. Accordingly, the Court **ORDERS** the following supplemental briefing schedule:

Filing	Deadline	Page Limit
Private Plaintiffs’ supplemental brief	May 14, 2021	25 pages
Defendants’ and Intervenor Defendants’ supplemental briefs	June 4, 2021	25 pages each
Private Plaintiffs’ combined response to all Defendants’ supplemental briefs	June 18, 2021	20 pages

The parties diverge only in the need for a sur-reply. *See id.* at 3. Should Defendants feel a sur-reply is justified following the initial briefing schedule, Defendants may seek leave to file one.

**SO ORDERED** on this **23rd day of April, 2021.**

  
 Reed O’Connor  
 UNITED STATES DISTRICT JUDGE