

***United States Court of Appeals***

FIFTH CIRCUIT  
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May 30, 2025

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No. 23-40605 Texas Medical Association v. HHS  
USDC No. 6:22-CV-450  
USDC No. 6:22-CV-453

Dear Counsel,

Enclosed is the court's order filed this date directing this case be reheard en banc with oral argument.

Under Fifth Circuit Local Rule 41.3 this order vacates the previous opinion and judgment of this court and stays the mandate.

Appellants will have until June 30, 2025, to file an en banc brief and the Appellee Cross Appellants' en banc brief is due on

July 30, 2025. Appellant Cross Appellees' reply brief is due on August 15, 2025. Appellee-Cross Appellants' reply brief is due on September 2, 2025.

You will be requested to furnish 22 paper copies of your en banc brief after the electronic filing is reviewed and processed. The color of the cover on your en banc brief will be the same as the color of the cover on your merits brief (blue for the appellant; red for the cross-appellant and cross-appellee, and yellow for cross-appellant reply). The date and time of oral argument will be announced at a later date. Counsel for the parties will receive adequate notice as to the exact date and time for the presentation of the oral argument.

We request that the parties forward 22 copies of their previously filed merits briefs, reply briefs, addendums, and record excerpts, for the use of the en banc court. As you did previously, we request that all copies be spirally bound. These additional copies are due in the Clerk's Office by June 16, 2025. Please contact me if you have any questions.

Also, attached is a revised case caption, which should be used on all future filings in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Peter A. Conners, Deputy Clerk  
504-310-7685

cc:

Mr. Jack R. Bierig  
Mr. K. Lee Blalack II  
Mr. Eric D. Chan  
Mr. Long Xuan Do  
Mr. Andrew Robert Hellman  
Ms. Hyland Hunt  
Mr. Aaron D. Lindstrom  
Mr. James Edward Tysse  
Mr. Joseph J. Wardenski

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Case No. 23-40605

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Texas Medical Association; Tyler Regional Hospital, L.L.C.; Dr.  
Adam Corley,

Plaintiffs - Appellees/Cross-Appellants

v.

United States Department of Health and Human Services; Office of  
Personnel Management; United States Department of Labor; United  
States Department of Treasury; Robert F. Kennedy, Jr.,  
Secretary, U.S. Department of Health and Human Services, in his  
official capacity; Charles Ezell, in his official capacity as  
the Acting Director of the Office of Personnel Management; Scott  
Bessent, Secretary, U.S. Department of Treasury, in his official  
capacity; Lori Chavez-DeRemer, Acting Secretary, U.S. Department  
of Labor, in her official capacity,

Defendants - Appellants/Cross-Appellees

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LifeNet, Incorporated; Air Methods Corporation; Rocky Mountain  
Holdings, L.L.C.; East Texas Air One, L.L.C.,

Plaintiffs - Appellees/Cross-Appellants

v.

United States Department of Health and Human Services; Office of  
Personnel Management; United States Department of Labor; United  
States Department of Treasury; Robert F. Kennedy, Jr.,  
Secretary, U.S. Department of Health and Human Services, in his  
official capacity; Charles Ezell, in his official capacity as  
the Acting Director of the Office of Personnel Management; Scott  
Bessent, Secretary, U.S. Department of Treasury, in his official  
capacity; Lori Chavez-DeRemer, Acting Secretary, U.S. Department  
of Labor, in her official capacity,

Defendants - Appellants