

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

GUARDIAN FLIGHT, LLC, <i>et al.</i> ,	§	
	§	
Plaintiffs-Appellees	§	
	§	
v.	§	No. 24-20051
	§	
MEDICAL EVALUATORS OF	§	
TEXAS ASO LLC,	§	
	§	
Defendant-Appellant.	§	
	§	

**STATUS REPORT AND MOTION TO CONTINUE ABEYANCE**

On March 1, 2024, Plaintiffs-Appellees Guardian Flight, LLC and CALSTAR Air Medical Services, LLC (“Plaintiffs-Appellees”) filed a motion respectfully requesting that the Court hold this appeal in abeyance pending the District Court’s resolution of Plaintiffs-Appellees’ motion to partially reconsider dismissal against Insurers Aetna Health, Inc. (“Aetna”) and Kaiser Foundation Health Plan, Inc. (“Kaiser”) and to certify a dismissal order for appeal. Doc. 15, No. 24-20051. On March 14, 2024, this Court granted Plaintiffs-Appellees motion and ordered the above-captioned matter be held in abeyance pending the District Court’s entry of final judgment. Doc. 16, No. 24-20051.

In their abeyance motion, Plaintiffs-Appellees promised to “notify this Court of the District Court’s eventual decision on the Reconsideration Motion (including any 1292(b) certification made by the district court) as well as any additional notices

of appeal. Doc. 15 at 9, No. 24-20051. “At that point,” Plaintiffs-Appellees asserted, “this Court could restore this appeal to active status and enter an order to govern future proceedings.” *Id.*

The District Court has now ruled on the Reconsideration Motion and entered final judgment under Rule 54(b). *See* D. Ct. Doc. 90. The District Court’s April 10, 2024 final judgment order is now reflected on this Court’s docket. *See* Doc. 17, No. 24-20051.

As indicated in their abeyance motion, Plaintiffs-Appellees now intend to file an additional notice of appeal, in addition to a motion to consolidate these appeals under Federal Rule of Appellate Procedure 3(b)(2). Plaintiffs-Appellees further intend to make these filings simultaneously and within the thirty-day timeframe prescribed by Federal Rule of Appellate Procedure 4(a)(1)(A) for filing a notice of appeal. Plaintiffs-Appellees separately intend to confer with all parties and propose a briefing format and schedule to the Court that will best promote efficient resolution of the consolidated appeal.

In the meantime, Plaintiffs-Appellees respectfully request that this Court continue the abeyance until they can file an additional notice of appeal, an accompanying motion for consolidation, and a proposed briefing format and schedule. Continuing the abeyance while the parties take these actions would serve the interests of judicial economy and preservation of the parties’ resources.

Plaintiffs-Appellees will move to lift the abeyance when their notice of appeal, motion for consolidation, and proposed briefing format and schedule have been filed.

For the reasons stated above, Plaintiffs-Appellees respectfully request that the Court grant this Motion.

April 19, 2024

Respectfully submitted,

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*Counsel for Plaintiffs-Appellees*

## CERTIFICATE OF CONFERENCE

In accordance with Fifth Circuit Rule 27.4, the undersigned hereby certifies that counsel contacted counsel for Defendant-Appellant for their position on this motion. Defendant-Appellant does not oppose this motion.

Dated: April 19, 2024

/s/ Charlotte H. Taylor

Charlotte H. Taylor

*Counsel for Plaintiffs-Appellees*

## CERTIFICATE OF SERVICE AND COMPLIANCE

I hereby certify that on this date, the foregoing document was electronically filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

I further certify that this document complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2) because it contains 391 words. This document complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)-(6) because it was prepared using Microsoft Word 2016 in 14-point Times New Roman, a proportionally spaced typeface.

And I certify that: (1) any required privacy redactions have been made; (2) the electronic submission of this document is an exact copy of any corresponding paper document; and (3) the document has been scanned for viruses with the most recent version of a commercial virus scanning program and is free from viruses.

Dated: April 19, 2024

/s/ Charlotte H. Taylor  
Charlotte H. Taylor

*Counsel for Plaintiffs-Appellees*