

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

AMERICAN ASSOCIATION OF §  
ANCILLARY BENEFITS §  
§ CIVIL NO. 4:24-CV-783-SDJ  
v. §  
§  
XAVIER BECERRA, ET AL. §

**ORDER**

Plaintiff American Association of Ancillary Benefits (“AAAB”) has sued several federal agencies, collectively referenced herein as the “Government Defendants,” challenging the validity of Rule CMS-9904-F (89 Fed. Reg. 23338 (April 3, 2024)).<sup>1</sup> Before the Court is AAAB’s Unopposed Motion for Leave to File First Amended Complaint at Law and for Injunctive Relief. (Dkt. #24). After consideration, the Court concludes the Motion should be granted.

It is therefore **ORDERED** that Unopposed Motion for Leave to File First Amended Complaint at Law and for Injunctive Relief, (Dkt. #24), is **GRANTED**. AAAB is directed to file their First Amended Complaint at Law and for Injunctive Relief separately.

It is further **ORDERED** that the Court’s order on expedited motion practice, (Dkt. #23), is **VACATED**.


It is further **ORDERED** that the parties confer and submit a joint report by no later than **October 3, 2024**, addressing a proposed schedule for the submission

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<sup>1</sup> AAAB has sued Xavier Becerra, in his official capacity as Secretary of the United States Department of Health and Human Services; Julie Su, in her official capacity as acting United States Secretary of Labor; and Janet Yellen, in her official capacity as Secretary of the United States Department of the Treasury.

and briefing of any dismissal motion(s) the Government Defendants plan to file.

**So ORDERED and SIGNED this 26th day of September, 2024.**

  
SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE