

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. §

SCHEDULING 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)).¹ Before the Court is the Parties’ Joint Report, (Dkt. #29), which proposes alternate schedules for resolving this case on the merits.

Accordingly, the Court enters this Scheduling Order, which will govern proceedings on the merits of this case through cross-motions for summary judgment. The following actions shall be completed by the dates indicated:

DEADLINES

Deadline	Event
10/21/2024	Deadline for Government Defendants to produce the administrative record to Plaintiffs and file on the docket a certified list of the contents of the record
11/11/2024	Deadline for Plaintiffs to file their motion for summary judgment
12/11/2024	Deadline for Government Defendants to file their combined response in opposition and cross-motion for summary judgment
1/10/2025	Deadline for Plaintiffs to file their combined response and reply


¹ 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.

2/4/2025 Deadline for Government Defendants to file their reply

2/13/2025 Deadline for Government Defendants to file the appendix including all administrative record materials cited by the parties in their summary judgment briefing

Additionally, the Court **STAYS** the Government Defendants' deadline to answer the Amended Complaint, (Dkt. #27), pending resolution of the Parties' cross-motions for summary judgment.

So ORDERED and SIGNED this 4th day of October, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE