

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

AMERICAN ASSOCIATION OF  
ANCILLARY BENEFITS, *et al.*,

*Plaintiffs,*

v.

ROBERT F. KENNEDY, JR., in his official  
capacity as Secretary of the United States  
Department of Health and Human Services, *et  
al.*,

*Defendants.*

Case No. 4:24-cv-00783-SDJ

**STATUS REPORT**

This case has been stayed since February 2025. ECF Nos. 69, 74, 78. Defendants have previously informed the Court that “they intend to revisit the rule challenged here in a new rulemaking,” ECF No. 70 at 1, and “that they expect to publish a notice of proposed rulemaking no later than the Summer of 2026, and to issue a final rule later that year,” ECF No. 75 at 1. The Court has ordered Defendants to “provide a status report on the anticipated rulemaking every six months,” beginning today. ECF No. 78 at 4.

In compliance with that order, Defendants report that they have prepared a draft notice of proposed rulemaking, which is currently being reviewed and revised. Defendants still expect to publish their notice of proposed rulemaking by the end of this Summer, and to issue a final rule later this year. Defendants will file their next status report on or before October 8, 2026.

Respectfully submitted,

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*/s/ James Bickford*  
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Date: April 8, 2026