

may be entered. They will file a joint stipulation of dismissal after all remaining issues in the case are resolved.

3. The Court's August 8, 2025 Order also invited the parties to address additional remedies. *See* ECF No. 35 at 26. The Court's Order enjoined HHS and EEOC from taking certain actions "against Plaintiffs or UIP's members." UIP's membership is confidential and thus unknown to HHS and EEOC, raising the prospect that either agency may unknowingly take an action prohibited by the injunction if it is unaware that the relevant entity is within the injunction's scope. To address this risk, the parties jointly agree to the following and request that the Court amend its summary judgment order accordingly:

Neither HHS nor the EEOC violates the Court's order by taking any actions against any UIP member, anyone acting in concert or participation with a UIP member, or a UIP member's health plans and any insurers or TPAs, PBMs, or other service providers in connection with such health plans if the agency officials directly responsible for taking these actions are unaware of that entity's status as a UIP member or relevant relationship to a UIP member.

However, if either agency, unaware of an entity's status as a UIP member or relevant relationship to a UIP member, takes any action enjoined by this Court's order, the UIP member and the UIP may promptly notify a directly responsible agency official of the fact of the member's membership in the UIP or the entity's relevant relationship to a UIP member and its protection under this order. Once such an official receives such notice from the UIP member and verification of the same by the UIP, the agency shall promptly comply with this order with respect to such member or related entity.

4. The parties have also conferred about the scope of the existing injunction and been unable to agree on whether it clearly covers any entity that may become a member of UIP in the future. Defendants anticipate making a further filing addressing this issue by Friday, September 5, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of Texas by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

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