

Case No. 25-10773

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

FAULK COMPANY, INCORPORATED,

Plaintiff – Appellee,

v.

**ROBERT F. KENNEDY, JR., SECRETARY, U.S. DEPARTMENT
OF HEALTH AND HUMAN SERVICES, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF HEALTH AND HUMAN SERVICES;
UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN SERVICES, AND ITS SUB-AGENCY
DEFENDANT CENTERS FOR MEDICARE AND MEDICAID SERVICES;
MEHMET OZ, ADMINISTRATOR OF THE CENTERS FOR MEDICARE
AND MEDICAID SERVICES, IN HIS OFFICIAL CAPACITY
AS ADMINISTRATOR OF CENTERS FOR MEDICARE
AND MEDICAID SERVICES,**

Defendants – Appellants.

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**UNOPPOSED MOTION FOR EXTENSTION
TO FILE BRIEF OF APPELLEE**

Taylor Winn	David LeFevre
State Bar No. 24115960	State Bar No. 24072202
taylor.winn@kellyhart.com	david@erisafire.com
Jacob A. deKeratry	Christine Vanderwater
State Bar No. 24120795	State Bar No. 24137259
jacob.dekeratry@kellyhart.com	christine@erisafire.com
Kelly Hart & Hallman LLP	LeFevre Law, P.C.
201 Main Street, Suite 2500	1302 Waugh Drive, Suite 189
Fort Worth, Texas 76102	Houston, Texas 77019
(817) 332-2500	(832) 225-2289

ATTORNEYS FOR APPELLEE FAULK COMPANY, INCORPORATED

CERTIFICATE OF INTERESTED PERSONS

Pursuant to FED. R. APP. P. 26.1 and 5th CIR. R. 28.2.1, Appellee Faulk Company, Incorporated offers this Certificate of Interested Persons.

(1) Number and Style of the Case: No. 25-10773; *Faulk Company, Incorporated v. Robert F. Kennedy, Jr., Secretary, U.S. Department of Health and Human Services, In his official capacity as Secretary of Health and Human Services; United States of America; United States Department of Health and Human Services, And its sub-agency Defendant Centers for Medicare and Medicaid Services; Mehmet Oz, Administrator of the Centers for Medicare and Medicaid Services, In His Official Capacity as Administrator of Centers for Medicare and Medicaid Services.*

(2) The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualifications or recusal.

Appellants:

Robert F. Kennedy, Jr., Secretary, U.S. Department of Health and Human Services, In his official capacity as Secretary of Health and Human Services; United States of America; United States Department of Health and Human Services, And its sub-agency Defendant Centers for Medicare and Medicaid Services; Mehmet Oz, Administrator of the Centers for Medicare and Medicaid Services, In His Official Capacity as Administrator of Centers for Medicare and Medicaid Services

Counsel for Appellants:

Brett A. Shumate
Joshua Wu
Ellen Page Delsole
Geoffrey J. Klimas
Tax Division, Department of Justice

Appellee:

Faulk Company, Incorporated

Counsel for Appellee:

Taylor Winn
Jacob A. deKeratry
Kelly Hart & Hallman LLP

David LeFevre
Christine Vanderwater
LeFevre Law, P.C.

/s/ Jacob A. deKeratry

Jacob A. deKeratry

*Attorney of Record for Appellee
Faulk Company, Incorporated*

TO THE HONORABLE JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT:

Comes now, Appellee, Faulk Company, Incorporated, and files this *Unopposed Motion for Extension of Time to File Brief of Appellee*. In support of this motion, Appellee shows the Court the following:

I.
DUE DATE

Appellee's brief is currently due on January 7, 2026. No previous extension has been sought by Appellee regarding its brief. Appellee seeks an additional thirty (30) days to file its brief, making Appellee's brief due February 6, 2026.

II.
REASONS FOR EXTENSION OF TIME

Appellee's counsel has been involved in other matters and matters with deadlines that are quickly approaching. In particular:

- Assisting with preparation for oral argument in No. 14-25-00085-CV, *Mont Belvieu Caverns, LLC, et al. v. DCP Partners MB II LLC, et al.*, in the Fourteenth Court of Appeals, held on December 16, 2025;
- Preparation of post-trial motion in *Rogerson, et al. v. Bell Helicopter Textron Inc., et al.*, No. 348-296827-17, pending in the 348th District Court, Tarrant County, Texas, filed on December 19, 2025;
- Preparation of response brief in No. 02-25-00642-CV, *Corey Morrell v. Burton Baker, Individually and in His Professional Capacity, Lummus, Hallman, Pritchard & Baker, P.C., and Mercer Transportation Co., Inc.*, pending in the Second Court of Appeals;

- Preparation of reply brief in No. 04-25-00399-CV, *Women's Health USA, Inc., et al. v. Carlos Cardenas, MD*, pending in the Fourth Court of Appeals, due January 20, 2026;
- Assisting with preparation for oral argument in No. 14-25-00022-CV, *Enterprise Houston Ship Channel, L.P. v. AOT Energy Americas LLC, et al.*, pending in the Fourteenth Court of Appeals, scheduled for January 20, 2026; and
- Preparation of response brief in No. 25-50747, *State of Texas, et al. v. United States Department of the Interior, et al.*, pending in the United States Court of Appeals for the Fifth Circuit, due February 4, 2026.

III.

EXTENSION SOUGHT IN THE INTEREST OF JUSTICE

The extension sought is not for the purpose of delay, but rather, is sought in the interest of justice and to allow Appellee to fully brief issues to the Court.

IV.

APPELLANTS AGREE TO THIS REQUEST

Counsel for Appellants, Geoff Klimas, does not oppose this motion for extension of time.

V.

PRAYER FOR EXTENSION

Therefore, Appellee requests an extension of time of thirty (30) days to file its brief, making Appellee's brief due on February 6, 2026. Appellee does not seek this extension for the purposes of delay. Instead, it seeks this relief to be able to fully brief issues to the Court.

WHEREFORE, PREMISES CONSIDERED, Appellee Faulk Company, Incorporated prays that the Court grant an extension of time to file its Brief of Appellee until February 6, 2026.

Respectfully submitted,

/s/ Jacob A. deKeratry

David LeFevre
State Bar No. 24072202
david@erisafire.com
Christine Vanderwater
State Bar No. 24137259
christine@erisafire.com
LeFevre Law, P.C.
1302 Waugh Drive, Suite 189
Houston, Texas 77019
(832) 225-2289

Taylor Winn
State Bar No. 24115960
taylor.winn@kellyhart.com
Jacob A. deKeratry
State Bar No. 24120795
jacob.dekeratry@kellyhart.com
Kelly Hart & Hallman LLP
201 Main Street, Suite 2500
Fort Worth, Texas 76102
(817) 332-2500

ATTORNEYS FOR APPELLEE
FAULK COMPANY, INCORPORATED

CERTIFICATE OF CONFERENCE

On December 9, 2025, Geoff Klimas, counsel for Appellants, was contacted regarding the requested thirty-day extension. Mr. Klimas stated that Appellants are unopposed to this motion.

/s/ Jacob deKeratry
Jacob A. deKeratry

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 2025, an electronic copy of the foregoing motion was filed with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit using the appellate CM/ECF system, and that service will be accomplished by the appellate CM/ECF system to all counsel of record.

/s/ Jacob A. deKeratry
Jacob A. deKeratry

CERTIFICATE OF COMPLIANCE

1. This motion complies with the type-volume limitations of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 448 words, as determined by the word-count function of Microsoft Word 365.
2. This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type and style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word 365 in fourteen (14) point “Times New Roman” style font.

/s/ Jacob A. deKeratry

Jacob A. deKeratry

CERTIFICATE OF ELECTRONIC COMPLIANCE

I hereby certify that, in the foregoing motion filed using the Fifth Circuit CM/ECF document filing system, (1) the privacy redactions required by the Fifth Circuit Rule 25.2.13 have been made, (2) the electronic submission is an exact copy of the paper document, and (3) the document has been scanned for viruses and is free of viruses.

/s/ Jacob A. deKeratry

Jacob A. deKeratry