

United States Court of Appeals

FIFTH CIRCUIT
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September 03, 2025

Mr. Maxwell A. Baldi
U.S. Department of Justice
Civil Division, Appellate Section
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Mr. Stephen Michael Pezzi
U.S. Department of Justice
Civil Division
1100 L Street, N.W.
Poc Agostinho, Jean
Washington, DC 20530

No. 25-50661 Natl Infusion Center v. Kennedy
USDC No. 1:23-CV-707

Dear Mr. Baldi, Mr. Pezzi,

In light of the court order of August 19, 2025 granting the motion to expedite the above captioned appeal, please adhere to the following expedited briefing schedule. As the Appellants' brief has already been filed as of September 2, 2025, the appellee brief is now due as scheduled.

- Appellees brief is due on 09/17/2025
- Appellants reply brief is due on 09/24/2025

Record Excerpts: 5th Cir. R. 30.1.7(c) provides that the electronic PDF version of the record excerpts should contain pages representing the "tabs" identified in the index of the document. However, we remind attorneys that the actual paper copies of record excerpts filed with the court must contain actual physical tabs that extend beyond the edge of the document, to facilitate easy identification and review of tabbed documents.

Brief Covers: THE CASE CAPTION(S) ON BRIEF COVERS MUST BE EXACTLY THE SAME AS THE CASE CAPTION(S) ON THE ENCLOSED TITLE CAPTION SHEET(S). YOU WILL HAVE TO CORRECT ANY MODIFICATIONS YOU MAKE TO THE CAPTION(S) BEFORE WE SUBMIT YOUR BRIEF TO THE COURT.

Dismissal of Appeals: The clerk may dismiss appeals without notice if you do not file a brief on time, or otherwise fail to comply with the rules.

Appearance Form: If you have not electronically filed a "Form for Appearance of Counsel," you must do so within 14 days of this date. You must name each party you represent, See Fed. R. App. P. and 5th Cir. R. 12. The form is available from the Fifth Circuit's website, www.ca5.uscourts.gov.

Electronic Record on Appeal (EROA): We permit you to download all or part of the electronic record on appeal (EROA) after this is approved by the U.S. District Court. You will receive a notice when access to the EROA is available. Counsel must be approved for electronic filing and be listed as an attorney of record in the case before access will be granted. Instructions for accessing and downloading the EROA will be included in the notice you receive from the district court, but are also available here: <http://www.ca5.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-of-cm>.

Please note that sealed documents, except for the presentence investigation report in criminal appeals, will not be included in the EROA. You must file a motion in our court for access to sealed documents, which will be provided by the district court only upon the filing and granting of a motion by our court.

Citation Guidelines: Pursuant to 5th Cir. R. 28.2.2, use the following citation format:

- For single record cases, use "ROA." followed by the page number (e.g., "ROA.123").
- For multiple record cases, cite "ROA." followed by the Fifth Circuit appellate case number, followed by the page of the record (e.g., "ROA.13-12345.123").
- Each citation must end with a period (.) or semicolon (;).

Brief Template: The clerk's office provides brief templates and a tool to check briefs for potential deficiencies before docketing. To access these resources, log in to CM/ECF and select 'Brief Template' (Counsel Only) or 'PDF Check Document' from the Utilities menu or the "Attorney Toolbox".

Reminder Regarding Sealed Documents: Our court presumes the public has a right to court records, and request to seal pleadings, record excerpts, or other documents must be justified with particularity. Simply stating that the originating court sealed the matter is insufficient. Counsel is responsible for justifying a request to file under seal, as well as for notifying the court when sealing is no longer necessary. An unopposed motion to seal does not relieve counsel of the obligation to justify the motion.

Sincerely,

LYLE W. CAYCE, Clerk



By:

Casey A. Sullivan, Deputy Clerk
504-310-7642

Enclosure(s)

cc w/encl:

Mr. Timothy A. Cleveland
Mr. John Patrick Elwood
Mr. Jeffrey Handwerker
Mr. Allon KedeM
Mr. Michael Strauss Kolber
Mr. Austin Krist
Mr. William Perdue
Ms. Allissa Aileen Rose Pollard

Case No. 25-50661

National Infusion Center Association, on behalf of itself and its members; Global Colon Cancer Association, on behalf of itself and its members; Pharmaceutical Research and Manufacturers of America, on behalf of itself and its members,

Plaintiffs - Appellants

v.

Robert F. Kennedy, Jr., Secretary, U.S. Department of Health and Human Services, In his Official Capacity; United States Department of Health and Human Services; Mehmet Oz, Administrator of the Centers for Medicare and Medicaid Services, In his Official Capacity; Centers for Medicare and Medicaid Services,

Defendants - Appellees