

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

GUARDIAN FLIGHT, L.L.C.; MED-
TRANS CORPORATION,

Plaintiffs-Appellants,

v.

HEALTH CARE SERVICE
CORPORATION,

Defendant-Appellee.

No. 24-10561

**UNOPPOSED MOTION OF THE UNITED STATES
FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT**

For the reasons set forth below, the United States respectfully requests leave to participate in the oral argument in this matter, which the Court has calendared for February 24, 2025. The United States filed an amicus brief in support of plaintiffs-appellants. Counsel for plaintiffs-appellants has agreed to cede a portion of her allotted argument time to the United States. Defendant-appellee consents to the United States' participation in the oral argument.

1. This appeal concerns the No Surprises Act (NSA), which protects patients from potentially ruinous surprise medical bills. To that end, the NSA created a mechanism—the independent dispute resolution (IDR) process—for

resolving payment disputes between medical providers and insurers and for ensuring that providers receive fair compensation for their services.

2. Pursuant to Federal Rule of Appellate Procedure 29(a)(8), the United States respectfully requests the opportunity to participate in the oral argument in this appeal to explain the government's perspective and to address any questions from the Court. Congress jointly charged the U.S. Departments of Health and Human Services (HHS), Labor, and the Treasury with implementing the NSA and the IDR process. The Department of Labor also has a strong interest in enforcing the provisions of Title I of the Employee Retirement Income Security Act of 1974 (ERISA). The government thus has a strong interest in the proper interpretation of the NSA and ERISA, both of which are at issue in this appeal.

3. The government's participation in the oral argument would not alter the time the Court allocates for argument. Counsel for plaintiffs-appellants has agreed to cede a portion of her allotted argument time to the United States. Defendant-appellee consents to the United States' participation in the oral argument.

CONCLUSION

For the foregoing reasons, the Court should grant the United States leave to participate in the oral argument in this matter.

Respectfully submitted,

JOSHUA M. SALZMAN

/s/ Kevin B. Soter

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FEBRUARY 2025

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Calisto MT, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 319 words, according to the count of Microsoft Word.

/s/ Kevin B. Soter
KEVIN B. SOTER

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2025, I electronically filed the foregoing brief with the Clerk of the Court for the United States Court of Appeals for the Fifth Circuit by using the appellate CM/ECF system.

s/ Kevin B. Soter

Kevin B. Soter