

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

HUMANA INC. *and* AMERICANS FOR
BENEFICIARY CHOICE,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES; CENTERS FOR
MEDICARE & MEDICAID SERVICES;
ROBERT F. KENNEDY JR., *in his official
capacity as Secretary of Health and Human
Services; and* MEHMET CENGIZ OZ, *in
his official capacity as Administrator of the
Centers for Medicare and Medicaid Services,*

Defendants.

Case No. 4:25-cv-779-O

NOTICE OF APPEAL

Notice is hereby given that plaintiffs Humana Inc. and Americans for Beneficiary Choice appeal to the United States Court of Appeals for the Fifth Circuit from the October 14, 2025, memorandum order and opinion (Dkt. 38) and final judgment (Dkt. 39) denying plaintiffs' motion for summary judgment and granting defendants' motion for summary judgment in this case, together with all underlying or related orders, rulings, and findings that merge therein.

Dated: November 25, 2025

Respectfully submitted,

/s/ Michael B. Kimberly

Michael B. Kimberly
D.C. Bar No. 991549*
Winston & Strawn LLP
1901 L Street NW
Washington, DC 20036
(202) 282-5096
mkimberly@winston.com

John T. Sullivan
Texas Bar No. 24098485
Winston & Strawn LLP
2121 N Pearl Street, Suite 900
Dallas, Texas 75201
(214) 453-6498
jsullivan@winston.com

Edward A. Day
Illinois Bar No. 6332606*
Winston & Strawn LLP
35 W Wacker Drive
Chicago, Illinois 60601
(312) 558-8106
tday@winston.com

Counsel for Plaintiffs

** pro hac vice*

CERTIFICATE OF SERVICE

Undersigned counsel certifies that a true and correct copy of this document was served via CM/ECF on all counsel of record pursuant to the Federal Rules of Civil Procedure on November 25, 2025.

/s/ Michael B. Kimberly