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8/14/2026

VIA ELECTRONIC FILING

Lyle W. Cayce, Clerk of Court
United States Court of Appeals for the Fifth Circuit
F. Edward Herbert Building
600 S. Maestri Place, Suite 115
New Orleans, LA 70130

Re: Rule 28(j) supplemental authority in *Humana v. HHS*, No. 25-11302

Dear Mr. Cayce,

I submit this letter pursuant to Rule 28(j) to apprise the Court of subsequent updates to Humana's June 2, 2026, notice regarding Judge Lisa Godbey Wood's decision in *Clover Insurance v. HHS*, No. 2:25-cv-142 (S.D. Ga. May 27, 2026).

On July 21, 2026, CMS has noticed an appeal from Judge Wood's decision to the United States Court of Appeals for the Eleventh Circuit. The appeal is captioned *Clover Insurance v. HHS* and docketed at No. 26-12553 (11th Cir.). The Eleventh Circuit has issued an expedited briefing schedule, making CMS's opening brief due August 31, 2026.

The *Clover* decision remains in effect and has not been stayed. It therefore continues to constitute persuasive authority supporting the arguments in Humana's opening brief and reply.

I respectfully ask that you distribute this letter to the panel assigned to this case.

Respectfully submitted,



Michael B. Kimberly

cc: counsel of record (via CM/ECF)

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.call.uscourts.gov

July 23, 2026

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U.S. Attorney Service - Southern District of Georgia
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Appeal Number: 26-12553-B
Case Style: Clover Insurance Company v. Department of Health and Human Services, et al
District Court Docket No: 2:25-cv-00142-LGW-BWC

CIVIL DOCKETING NOTICE

The above-referenced appeal has been docketed in this Court. All documents filed in this appeal must include the Case Style and Appeal Number shown above.

Appellant Requirements

Unless the following requirements have already been satisfied, **within 14 days of the date of this notice the appellant MUST:**

1. Pay to the **District Court** the Filing Fee **OR** File a Motion to Proceed In Forma Pauperis (IFP) in the district court. See FRAP 3(e), FRAP 24.

If the filing fee is not paid and a motion to proceed IFP has not been filed in the district court within 14 days of the date of this notice, this appeal will be dismissed without further notice pursuant to 11th Cir. R. 42-1(b).

If the district court has denied the appellant IFP status on appeal, the appellant has 30 days from the date of the district court's order to file an IFP motion in this Court. See FRAP 24(a)(5).

2. File in the **District Court** a [Transcript Order Form](#) or a certificate stating no transcripts will be ordered. See FRAP 10(b) & the accompanying 11th Cir. IOP. (Not applicable in certain bankruptcy appeals. See FRAP 6(b)).

*If no transcripts are ordered, appellant's brief is due 40 days after **07/22/2026**, except as otherwise provided by the rules. See 11th Cir. Rules 12-1 and 31-1.*

3. File in this Court (Eleventh Circuit) a [Certificate of Interested Persons and Corporate Disclosure Statement \(CIP\)](#), **OR** file the CIP at the same time the appellant submits its first filing, **whichever is earlier**. See 11th Cir. R. 26.1-1(a)(1).
4. Complete the [Web-Based CIP](#) (attorneys only). See 11th Cir. R. 26.1-1(b).
5. File in this Court (Eleventh Circuit) [Civil Appeal Statement](#) (attorneys only). See 11th Cir. R. 33-1(a)(3).

Mediation

If a Civil Appeal Statement is required to be filed and the appeal is fully counseled on all sides, your appeal will be reviewed and considered for mediation. Mediation services are at no cost to the parties. If no Civil Appeal Statement is required or you or any party to the appeal is self-represented or *pro se* then the appeal is not eligible for mediation. See 11th Cir. R. 33-1.

Appellee Requirements

Unless the following requirements have already been satisfied, **within 28 days of the date of this notice, all appellees participating in this appeal MUST:**

1. File in this Court (Eleventh Circuit) a [CIP](#) or a notice. See 11th Cir. R. 26.1-1(a)(2).
2. Complete the [Web-Based CIP](#) (attorneys only). See 11th Cir. R. 26.1-1(b).

Attorney Participation

Only attorneys admitted to the bar of the Court and attorneys admitted for a particular proceeding may practice before the Court. See 11th Cir. Rules 46-1, 46-3, and 46-4. You may look up your bar admission status at <https://www.ca11.uscourts.gov/bar-admission-status-look>. The Application for Admission to the Bar and other forms and information can be found at <https://www.ca11.uscourts.gov/attorney-forms-and-information>.

All attorneys (except court-appointed attorneys) who wish to participate in this appeal must file an [Appearance of Counsel Form](#) within 14 days of the date of this notice. See 11th Cir. R. 46-6(b). Please also see FRAP 46 and the corresponding circuit rules.

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are

permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

Obligation to Notify Court of Change of Addresses

Each pro se party and attorney has a continuing obligation to notify this Court of any changes to the party's or attorney's addresses during the pendency of the case. See 11th Cir. R. 25-7.

Additional Information

Rules, forms, and additional information, including a handbook for pro se litigants, can be found at www.ca11.uscourts.gov.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

CIVIL - Notice of Docketing

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

CLOVER INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2:25-cv-142
	)	
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES, ET AL.,	)	
	)	
Defendants.	)	

DEFENDANTS' NOTICE OF APPEAL

Defendants appeal this Court's May 29, 2026, judgment—including its order granting in part and denying in part defendants' motion for reconsideration, its order granting in part plaintiff's motion for summary judgment, and its order denying defendants' motion to dismiss—to the United States Court of Appeals for the Eleventh Circuit. *See* ECF Nos. 40, 61, 64, 65.

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