

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 25-5269**

**September Term, 2025**

**1:24-cv-02931-CRC**

**Filed On:** February 17, 2026

HMO Louisiana, Inc.,

Appellant

v.

Department of Health and Human Services,  
et al.,

Appellees

**BEFORE:** Henderson, Childs, and Pan, Circuit Judges

**ORDER**

It is **ORDERED**, on the court’s own motion, that the parties file supplemental briefs addressing the following question:

In the event of a contract consolidation, CMS “shall adjust the quality rating” of “the continuing contract . . . under the 5-star rating system . . . to reflect an enrollment-weighted average of scores or ratings for the continuing and closed contract.” 42 U.S.C. § 1395w-23(o)(4)(D)(i). CMS therefore “assigns Star Ratings for the first and second years following the consolidation based on the enrollment-weighted mean of the measure scores of the surviving and consumed contract(s).” 42 C.F.R. § 422.162(b)(3)(i). Did CMS correctly apply these provisions when it determined that the enrollment-weighted mean of the Measure C05 score for the consumed contract (three stars) and the surviving contract (no score) was three stars? See App. at 81.

The parties’ briefs are limited to 2,600 words and are due by 4:00 p.m. on March 2, 2026. In addition to electronic filing, the parties are directed to hand deliver paper copies of the supplemental briefs to the Clerk’s office by the time and date due.

**Per Curiam**

**FOR THE COURT:**  
Clifton B. Cislak, Clerk

BY: /s/  
Michael C. McGrail  
Deputy Clerk