

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

HMO LOUISIANA, INC.,)	
)	
Appellant,)	
)	
v.)	Case No. 25-5269
)	
DEPARTMENT OF HEALTH AND)	
HUMAN SERVICES, et al.,)	
)	
Appellees.)	
)	
)	

STATEMENT OF ISSUES TO BE RAISED BY
APPELLANT HMO LOUISIANA, INC.

Pursuant to the Court’s July 23, 2025, Order, Plaintiff-Appellant HMO Louisiana, Inc. (“HMOLA”), submits the following preliminary statement of issues on appeal. HMOLA reserves the right to amend, revise, and/ or modify the issues herein and on brief.

1. Did the District Court err in granting Defendants-Appellees Department of Health & Human Services (“HHS”), the Centers for Medicare & Medicaid Services, Xavier Becerra, in his official capacity as Secretary of HHS, and Chiquita Brooks-LaSure, in her official capacity as Administrator of CMS (collectively, “Appellees’ ” or “CMS’s”), motion for summary judgment and denying Plaintiff-Appellant HMOLA’s motion for summary judgment?

2. Did the District Court err in holding CMS's refusal to abide its own regulations and incorporated technical guidance, which has resulted in reduced Star Ratings for HMOLA that has caused serious harm to its reputation and competitive position and deprived it of critical funding to provide care and services to beneficiaries, is not arbitrary, capricious, or contrary to law under the Administrative Procedure Act ("APA")?

3. Did the District Court err in holding CMS's improper and flawed calculation of HMOLA's Star Ratings is consistent with its statutory mandate to establish quality and performance measures that are "true reflections" of HMOLA's "services and care," and as such, is not arbitrary, capricious, or contrary to law under the APA?

4. Did the District Court err in holding CMS's one-sentence explanation as to why it refused to recalculate HMOLA's Star Ratings, specifically Measure C05, is a satisfactory and rational explanation for its sudden departure from its regulations and technical notes, and as such, is not arbitrary, capricious, or contrary to law under the APA?

Date: August 22, 2025

/s/ Paul Werner

Paul Werner, D.C. Bar No. 482637

Imad Matini, D.C. Bar No. 1552312

Hannah Wigger, D.C. Bar No. 208851

Tifenn Drouaud, D.C. Bar No. 90017819

SHEPPARD MULLIN RICHTER &
HAMPTON LLP

2099 Pennsylvania Ave N.W. Suite 100

Washington, D.C. 20006

Telephone: (202) 747-1900

Facsimile: (202) 747-1901

pwerner@sheppardmullin.com

imatini@sheppardmullin.com

hwigger@sheppardmullin.com

tdrouaud@sheppardmullin.com

*Attorneys for Plaintiff-Appellant HMO
Louisiana, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2025, I electronically filed the foregoing with the Clerk of the Court via the CM/ECF system, which will send notification of such to the attorneys of record. I further sent a copy via electronic mail to the following:

Kenneth Ryan Whitley
Department Of Health And Human Services
Cohen Building
330 Independence Avenue, SW
Washington, DC 20201
Kenneth.Whitley@hhs.gov

John Bardo
Department of Justice, U.S. Attorney's Office
601 D Street NW
Washington, DC 20530
John.Bardo@usdoj.gov

Johnny Hillary Walker III, Assistant U.S. Attorney
U.S. Attorney's Office (USA) Civil Division
601 D Street, NW
Washington, DC 20530
johnny.walker@usdoj.gov

/s/ Paul Werner

Paul Werner