

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

HEALTH CARE SERVICE §
CORPORATION, A MUTUAL LEGAL §
RESERVE COMPANY §
Plaintiff §
v. §
NEUROMONITORING ASSOCIATES, §
LLC, PHYSICIAN OVERSIGHT, LLC §
AND MONITORING ASSOCIATES LLC §
Defendants. §

Case No. 5:26-CV-22-RWS-JBB

ORDER

The above case was referred to the undersigned United States Magistrate Judge for pretrial purposes in accordance with 28 U.S.C. § 636. On April 21, 2026, Defendants filed, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), a Motion to Dismiss and Request for Judicial Notice. Dkt. No. 25. On May 26, 2026, Plaintiff filed a First Amended Complaint. Dkt. No. 40. Considering that Plaintiff’s amended complaint is the operative pleading, and as discussed with the parties during the May 27, 2026 hearing and scheduling conference, the motion to dismiss the original complaint (Dkt. No. 25) is **DENIED** as moot and without prejudice to refileing.

The parties shall meet and confer regarding a briefing schedule on the forthcoming motion to dismiss the amended complaint, with briefing to be completed by mid to late July, and shall file the agreed briefing schedule on or before May 29, 2026. The Court will schedule oral argument on the motion to dismiss the amended complaint shortly thereafter.

SIGNED this the 27th day of May, 2026.



J. Boone Baxter
UNITED STATES MAGISTRATE JUDGE