

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

PHI HEALTH, LLC,

Plaintiff-Appellant,

v.

No. 26-2736

**HEALTH CARE SERVICE CORP.,
A MUTUAL LEGAL RESERVE
COMPANY, D/B/A/ BLUE CROSS
BLUE SHIELD,**

Defendant-Appellee.

APPELLANT'S DOCKETING STATEMENT

Pursuant to Federal Rule of Appellate Procedure 12(b) and Circuit Rules 3(c), 3(d) and 28(a), Plaintiff-Appellant PHI Health, LLC ("PHI"), submits this docketing and representation statement.

I. JURISDICTION

The district court had subject-matter jurisdiction under 28 U.S.C. § 1331 because PHI's claims arise under federal law, including the No Surprises Act, 26 U.S.C. § 9817; 29 U.S.C. §§ 1185e–1185f; 42 U.S.C. § 300gg-111–300gg-112, and the Employee Retirement Income Security Act, 29 U.S.C. § 1332. PHI also sought confirmation under the Federal Arbitration Act, 9 U.S.C. § 9, of independent dispute resolution ("IDR") awards issued pursuant to the No Surprises Act. The district court had supplemental jurisdiction under 28 U.S.C. § 1367(a) over PHI's claims under the Illinois Uniform Arbitration Act, 710 ILCS 5/11, and the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1, *et seq.*

Plaintiff-Appellant PHI Health, LLC is a Louisiana limited liability company with its principal place of business in Tempe, Arizona. Defendant-Appellee Health Care Service Corporation, a Mutual Legal Reserve Company, d/b/a Blue Cross Blue Shield, is an Illinois corporation with its principal place of business in Chicago, Illinois.

This Court has jurisdiction under 28 U.S.C. § 1291. The district court entered a Memorandum Opinion and Order granting Defendant's motion to dismiss, ECF No. 42; and entered final judgment on August 18, 2026, ECF No. 45. The judgment resolved of all Plaintiff's claims. Plaintiff filed a timely notice of appeal on August 19, 2026. ECF No. 46.

II. PRIOR AND RELATED PROCEEDINGS

This appeal has not previously been before this Court.

On August 27, 2026, this Court consolidated this appeal with four other appeals that are currently pending before the Court: *SpecialtyCare, Inc. et al. v. Health Care Serv. Corp. d/b/a Blue Cross Blue Shield of New Mexico*, No. 26-2279; *SpecialtyCare, Inc. et al. v. Health Care Serv. Corp. d/b/a Blue Cross Blue Shield of Illinois*, No. 26-2279; *SpecialtyCare, Inc. et al., v. Health Care Serv. Corp. d/b/a Blue Cross Blue Shield of Texas*, No. 26-2280; and *PHI Health, LLC v. Health Care Serv. Corp. d/b/a Blue Cross Blue Shield of Texas*, No. 26-2401. See Order, ECF No. 5. Plaintiff's opening brief is currently due on September 9, 2026. See *id.*

Those appeals, like this one, also arise from the plaintiffs' efforts to enforce IDR awards arising under the No Surprises Act. All four of these appeals present

substantially identical issues of law, and all four come to this Court in a similar procedural posture—after a district court dismissed all the plaintiffs’ claims.

Five other appeals are currently pending before the United States Courts of Appeals for the Second, Third, and Ninth Circuits, involving substantially the same issues presented here:

- *East Coast Advanced Plastic Surgery, LLC v. Cigna Health & Life Ins. Co.*, No. 1:25-cv-255 (S.D.N.Y. Aug. 14, 2025), *appeal docketed*, No. 25-2204 (2d Cir. Sept. 12, 2025), argument held June 17, 2026, ECF 69;
- *SpecialtyCare, Inc., et al., v. Cigna Healthcare, Inc.*, No. 1:24-cv-1378 (D. Del. Mar. 26, 2026), *appeal docketed*, No. 26-1768 (3d Cir. Apr. 15, 2026);
- *SpecialtyCare, Inc., et al., v. UMR, Inc.*, No. 1:24-cv-1396 (D. Del. Mar. 26, 2026), *appeal docketed*, No. 26-1769 (3d Cir. Apr. 15, 2026);
- *SpecialtyCare, Inc., et al., v. Aetna Inc.*, No. 1:25-cv-224 (M.D. Pa. Dec. 23, 2025), *appeal docketed*, No. 26-1114 (3d Cir. Jan. 22, 2026);
- *SpecialtyCare, Inc., et al., v. Meritain Health Inc.*, No. 1:25-cv-198 (D. Del. Mar. 17, 2026), *appeal docketed*, No. 26-1864 (3d Cir. Apr. 16, 2026); and
- *SpecialtyCare, Inc., et al. v. Kaiser Foundation Health Plan, Inc.*, No. 4:24-cv-9342 (N.D. Cal. July 22, 2026), *appeal docketed*, No. 26-4722 (9th Cir. July 23, 2026).

Several other cases involving similar legal issues concerning enforcement of IDR awards under the No Surprises Act are currently pending in United States District

Courts and other state courts, but those cases do not involve the judgments or IDR awards at issue in this appeal.

III. ADDITIONAL REQUIREMENTS OF CIRCUIT RULE 3(C)(1)

This appeal arises out of a civil case—no criminal conviction is at issue here, and the district court did not designate any aspect of this case as satisfying the criteria of 29 U.S.C. § 1951(g). No party to this litigation appears in an official capacity.

IV. REPRESENTATION

In accordance with Circuit Rule 3(d) and Federal Rule of Appellate Procedure 12(b), Plaintiff-Appellant identifies Steven Shepard as its counsel of record:

Steven Shepard
SUSMAN GODFREY L.L.P
One Manhattan West, 50th Floor
New York, New York 10001
(212) 336-8330
sshepard@susmangodfrey.com

Dated September 8, 2026

Respectfully submitted,

/s/ Steven Shepard
Steven Shepard
Max Straus
Casen B. Ross
SUSMAN GODFREY L.L.P.
One Manhattan West, 50th Floor
New York, New York 10001
Telephone: (212) 336-8330
Fax: (212) 336-8340
sshepard@susmangodfrey.com
mstraus@susmangodfrey.com
cbross@susmangodfrey.com

CERTIFICATE OF SERVICE

I certify that on September 8, 2026, I electronically filed the foregoing Appellants' Docketing and Representation Statement with the Clerk of the United States Court of Appeals for the Seventh Circuit using the Court's CM/ECF system. All counsel of record are registered CM/ECF users and will be served by the system.

/s/ Steven Shepard
Steven Shepard