

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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October 10, 2019

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 19-10754 Richard DeOtte, et al v. Alex Azar, et al
USDC No. 4:18-CV-825

Enclosed is an order entered in this case.

The case is removed from abeyance. The Appellant's briefing notice is resumed as to STATE OF NEVADA.

A separate briefing notice is being issued as to Appellants ALEX M. AZAR, II, SECRETARY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, STEVEN T. MUENCHIN, SECRETARY, U.S. DEPARTMENT OF TREASURY, EUGENE SCALIA, SECRETARY, U.S. DEPARTMENT OF LABOR, and UNITED STATES OF AMERICA

All Appellants have forty (40) days to file their briefs.

Sincerely,

LYLE W. CAYCE, Clerk



By: Mary Frances Yeager, Deputy Clerk
504-310-7686

Mr. Charles William Fillmore
Mr. Hartson Dustin Fillmore III
Mr. Jonathan F. Mitchell
Mr. Craig A. Newby
Mr. Daniel M. Riess
Ms. Karen Schoen
Mrs. Heidi Parry Stern
Ms. Sharon Swingle

P.S. to Counsel: In light of the enclosed order, a revised copy of the caption is enclosed for future filings.

Case No. 19-10754

RICHARD W. DEOTTE, on behalf of himself and others similarly situated; YVETTE DEOTTE; JOHN KELLEY; ALISON KELLEY; HOTZE HEALTH & WELLNESS CENTER; BRAIDWOOD MANAGEMENT, INCORPORATED, on behalf of itself and others similarly situated,

Plaintiffs - Appellees

v.

ALEX M. AZAR, II, SECRETARY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; STEVEN T. MNUCHIN, SECRETARY, U.S. DEPARTMENT OF TREASURY; EUGENE SCALIA, SECRETARY, U.S. DEPARTMENT OF LABOR; UNITED STATES OF AMERICA,

Defendants - Appellants

STATE OF NEVADA,

Movant - Appellant

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 19-10754

RICHARD W. DEOTTE, on behalf of themselves and others similarly situated; YVETTE DEOTTE, on behalf of themselves and others similarly situated; JOHN KELLEY, on behalf of themselves and others similarly situated; ALISON KELLEY, on behalf of themselves and others similarly situated; HOTZE HEALTH & WELLNESS CENTER, on behalf of themselves and others similarly situated; BRAIDWOOD MANAGEMENT, INCORPORATED,

Plaintiffs - Appellees

v.

ALEX M. AZAR, II, SECRETARY, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; STEVEN T. MNUCHIN, SECRETARY, U.S. DEPARTMENT OF TREASURY; EUGENE SCALIA, in his official capacity as Secretary of Labor; UNITED STATES OF AMERICA,

Defendants - Appellants

STATE OF NEVADA,

Movant - Appellant

Appeals from the United States District Court
for the Northern District of Texas

Before HIGGINBOTHAM, SOUTHWICK, and WILLETT, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the Appellees' opposed motion for partial dismissal of the State of Nevada's appeal as to the issues of district court's final judgment (ECF No. 98), its class-certification orders (ECF Nos. 33 & 37), and its order granting the plaintiffs' motion for summary judgment and permanent injunction (ECF No. 76), for lack of appellate jurisdiction is CARRIED WITH THE CASE.

IT IS FURTHER ORDERED that the Appellees' unopposed motion to amend caption is GRANTED.