

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ASSOCIATION OF AIR MEDICAL SERVICES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:21-cv-03031-RJL
	)	
U.S. DEPARTMENT OF HEALTH AND	)	Consolidated with
HUMAN SERVICES, <i>et al.</i> ,	)	No. 1:21-cv-03231-RJL
	)	
Defendants.	)	

**DEFENDANTS' RESPONSE TO NOTICES OF SUPPLEMENTAL AUTHORITY**

The Defendants respectfully submit this response to the Plaintiffs' notices of supplemental authority. ECF No. 64, ECF No. 65. These notices informed the Court of the Defendants' filing of a notice of appeal of the judgment in *Texas Medical Association v. U.S. Department of Health and Human Services*, No. 6:21-cv-425-JDK (E.D. Tex.), *see* ECF No. 64, and the Defendants' filing of a motion in the Fifth Circuit to hold that appeal in abeyance during the pendency of ongoing rulemaking proceedings, *see* ECF No. 65.

The Defendants respectfully inform the Court that the United States Court of Appeals for the Fifth Circuit has granted their motion, and has "stay[ed] further proceedings in [that] court pending ongoing rulemaking proceedings involving provisions of the No Surprises Act[.]" Order, *Tex. Med. Ass'n v. U.S. Dep't of Health & Human Servs.*, No. 22-40264 (5th Cir. May 3, 2022) (attached hereto as Exhibit 1).

Dated: May 3, 2022

Respectfully submitted,

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*Counsel for Defendants*

# **Exhibit 1**

# United States Court of Appeals for the Fifth Circuit

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No. 22-40264

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TEXAS MEDICAL ASSOCIATION; ADAM CORLEY,

*Plaintiffs—Appellees,*

*versus*

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT OF TREASURY; UNITED STATES OFFICE OF PERSONNEL MANAGEMENT; XAVIER BECERRA, *Secretary, U.S. Department of Health and Human Services*; JANET YELLEN, *Secretary, U.S. Department of Treasury*; MARTIN WALSH, *Secretary, U.S. Department of Labor*; KIRAN AHUJA, *Director of the Office of Personnel Management*,

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:21-CV-425

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ORDER:

IT IS ORDERED that Appellants' unopposed motion to stay further proceedings in this court pending ongoing rulemaking proceedings involving provisions of the No Surprises Act, with a status report due every sixty (60) days, is GRANTED.

No. 22-40264

  
\_\_\_\_\_  
GREGG COSTA  
*United States Circuit Judge*