

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TEXAS MEDICAL ASSOCIATION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Civil Action No. 22-cv-00372-JDK

LEAD CONSOLIDATED CASE

JOINT RESPONSE TO COURT’S ORDER OF DECEMBER 20, 2022

Defendants, LifeNet Inc., and East Texas Air One, LLC (together, the “parties”) respectfully respond to the Court’s December 20, 2022, order directing them to “meet and confer and file a proposed briefing schedule on any new issues raised by the Amended Complaint” filed by LifeNet and East Texas Air One. Dkt. 91. The parties propose the following schedule:

- East Texas Air One is deemed to have joined LifeNet’s existing Motion for Summary Judgment, Dkt. 42.
- Defendants’ Combined Opposition to East Texas Air One’s Motion for Summary Judgment and Cross-Motion for Summary Judgment as to East Texas Air One shall be filed by Jan. 19, 2023.
- East Texas Air One’s Combined Reply in Support of Its Motion for Summary Judgment and Opposition to Defendants’ Cross-Motion for Summary Judgment shall be filed by Feb. 3, 2023.
- Defendants’ Reply in Support of Its Cross-Motion for Summary Judgment as to East Texas Air One shall be filed by Feb. 17, 2023.
- Defendants’ obligation to answer the Amended Complaint shall be waived.

The parties agree that this further briefing may incorporate their prior briefing by reference as appropriate.

The parties also agree that this further briefing need not affect the Court's resolution of the pending cross-motions for summary judgment with respect to other Plaintiffs that were argued on December 20. Dkts. 41, 42, 62, 82, 83, 88, 90.

LifeNet and East Texas Air One request that the Court not delay its order on those pending motions on the basis of this further briefing, and Defendants do not oppose that request.

The parties note that the first arbitrations, to which the challenged rule applies, will likely be submitted to arbitrators in approximately the first week of February 2023 and that arbitrators may begin issuing decisions under the final rule by early March 2023. Dkt. 3.

December 22, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

ERIC B. BECKENHAUER
Assistant Branch Director

/s/ Anna Deffebach
ANNA DEFFEBACH
Trial Attorney
D.C. Bar No. 241346
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Phone: (202) 305-8356
Fax: (202) 616-8470
E-mail: anna.l.deffebach@usdoj.gov

Counsel for Defendants

/s/ Steven M. Shepard
Steven M. Shepard (pro hac vice)

Stephen Shackelford, Jr. (EDTX Bar No.
24062998)
SUSMAN GODFREY LLP
1301 Ave. of the Americas, Fl. 32
New York, NY 10019
sshepard@susmangodfrey.com
sshackelford@susmangodfrey.com
212-336-8340

Counsel to Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify on this 13th day of December, 2022, a true and correct copy of this document was served electronically by the Court's CM/ECF system to all counsel of record.

/s/ Anna Deffebach
ANNA DEFFEBACH

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[Proposed] Order

Upon consideration of the parties' joint motion to set a briefing schedule for summary judgment specific to the new Plaintiff East Texas Air One, it is hereby

ORDERED that the motion is **GRANTED**; and it is

It is therefore **ORDERED** that the briefing schedule for summary judgment in this case is as follows:

Defendants' Combined Opposition to East Texas Air One's Motion for Summary Judgment and Cross-Motion for Summary Judgment as to East Texas Air One	January 19, 2022
East Texas Air One's Combined Reply in Support of Its Motion for Summary Judgment and Opposition to Defendants' Cross-Motion for Summary Judgment	February 3, 2022
Defendants' Reply in Support of Its Cross-Motion for Summary Judgment	February 17, 2022

IT IS SO ORDERED.