

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

BRAIDWOOD MANAGEMENT, INCORPORATED; JOHN  
SCOTT KELLEY; KELLEY ORTHODONTICS; ASHLEY  
MAXWELL; ZACH MAXWELL; JOEL STARNES,

Plaintiff-Appellees/Cross-Appellants,

v.

XAVIER BECERRA, SECRETARY, U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, in his official  
capacity as Secretary of Health and Human  
Services; UNITED STATES OF AMERICA; JANET  
YELLEN, SECRETARY, U.S. DEPARTMENT OF  
TREASURY, in her official capacity as Secretary of  
the Treasury; JULIE A. SU, ACTING SECRETARY,  
U.S. DEPARTMENT OF LABOR, in her official  
capacity as Secretary of Labor,

Defendants-Appellants/Cross-  
Appellees.

No. 23-10326

**UNOPPOSED MOTION FOR LEAVE TO RESPOND TO  
PLAINTIFFS' SUPPLEMENTAL MEMORANDUM REGARDING  
THE GOVERNMENT'S MOTION FOR A PARTIAL STAY  
PENDING APPEAL**

Plaintiffs have moved for leave to file a short supplemental memorandum regarding the government's motion for a partial stay of the final judgment pending appeal. The government consents to plaintiffs' motion for leave to file their proposed supplemental memorandum. The government respectfully requests leave to file a short response to that

supplemental memorandum on or before Thursday, June 1, 2023.

Plaintiffs' counsel has authorized us to state that this motion is unopposed.<sup>1</sup>

Respectfully submitted,

MICHAEL S. RAAB

/s/ Alisa B. Klein

ALISA B. KLEIN

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MAY 2023

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<sup>1</sup> A certificate of interested persons is not required because defendants-appellants are the United States and government officials sued in their official capacity. Fifth Cir. R. 27.4, 28.2.1.

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2023, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Alisa B. Klein  
Alisa B. Klein

### **CERTIFICATION OF COMPLIANCE**

Pursuant to Fed. R. App. P. 32(g), I hereby certify this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Georgia, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because that it contains 101 words, according to the count of Microsoft Word.

/s/ Alisa B. Klein  
Alisa B. Klein