

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
501 POTTER STEWART U.S. COURTHOUSE
100 EAST FIFTH STREET
CINCINNATI, OHIO 45202-3988

Kelly L. Stephens
Clerk

513-564-7000

May 8, 2024

Christopher Paul Schandavel, Esq.
McKaye Lea Neumeister, Esq.

Re: Case No. 23-5053, *American College of Pediatricians, et al. v. Becerra*

Dear Counsel:

The panel requests supplemental briefs from the parties, no more than twenty-five pages each, addressing the following questions:

- Whether the final rule promulgated by the Department of Health and Human Services on May 6, 2024 (89 Fed. Reg. 37,522) has rendered or will render any of appellants' claims moot.
- If the rule moots some but not all of appellants' claims, whether a specific member of each organization identified in the complaint still retains a live claim upon which appellants can assert associational standing.
- Whether the court may consider the new rule in assessing the likelihood that any of appellants' members face a credible threat of an enforcement action, and if so, whether the new rule reduces such risk.

Please submit the briefs no later than 5:00 p.m. on May 29, 2024. Thank you in advance for your cooperation with this request.

Sincerely,



Kelly L. Stephens

CC: Matthew Scott Bowman, Esq.
Julie Marie Blake, Esq.
John J. Bursch, Esq.
Charles W. Scarborough, Esq.