

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

STATE OF FLORIDA et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 8:24-cv-1080-WFJ-TGW

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff Catholic Medical Association submits this Notice of Supplemental Authority pursuant to Local Rule 3.01(i). On June 27, 2024, the United States Court of Appeals for the Sixth Circuit issued an opinion and judgment dismissing the appeal of *American College of Pediatricians v. Becerra*, Case No. 23-5053, Doc. Nos. 45-2, 45-3. This authority supplements Plaintiffs' Counterstatement of Related Cases, Doc. No. 34, page 2, paragraph 3, line 14 through page 3, paragraph 1, line 8. It also relates to Defendants' Opposition to Plaintiffs' Motion for a Stay or Preliminary Injunction, Doc. No. 33, pages 11–12, footnote 6.

The Sixth Circuit wrote:

All parties now agree that the 2024 rule renders CMA and ACPed's challenges moot. We agree. ...

We need not vacate the district court's order because "there's no chance that the challenged portion of the district court's order will have a preclusive effect" on CMA or ACPeds. [*Mktg. Displays Int'l v. Shaw*, 93 F.4th 967, 972 (6th Cir. 2024).] The district court dismissed their complaint without prejudice for lack of standing. ... The district court assessed whether CMA and ACPeds's members faced a credible threat of enforcement when they filed their complaint in 2021. It conducted that analysis against the backdrop of a soon-to-be rescinded regulatory regime. The district court's decision, therefore, would have no preclusive effect on a later challenge to current rules implementing Section 1557.

Am. Coll. of Pediatricians v. Becerra, No. 23-5053, slip op. at 5–6 (6th Cir.

June 27, 2024).

Respectfully submitted this 28th day of June, 2024.

/s/ Allison H. Pope

Allison H. Pope, MO Bar No. 73898*
 Julie Marie Blake, VA Bar No. 97891**
 ALLIANCE DEFENDING FREEDOM
 44180 Riverside Parkway
 Lansdowne, Virginia 20176
 Telephone: (571) 707-4655
 Facsimile: (571) 707-4790
 apope@ADFlegal.org
 jblake@ADFlegal.org

David A. Cortman, FL Bar No.
 18433
 ALLIANCE DEFENDING FREEDOM
 1000 Hurricane Shoals Road NE,
 Suite D1100
 Lawrenceville, Georgia 30043
 Telephone: (770) 339-0774
 Facsimile: (770) 339-6744
 dcortman@ADFlegal.org

Matthew S. Bowman, D.C. Bar No. 993261*
 ALLIANCE DEFENDING FREEDOM
 440 First Street NW, Suite 600
 Washington, DC 20001
 Telephone: (202) 393-8690
 Facsimile: (202) 347-3622 (fax)
 mbowman@ADFlegal.org

**By Special Admission*

***Lead Counsel By Special Admission*

Counsel for Plaintiff Catholic Medical Association

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States District Court Middle District of Florida by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Allison H. Pope
ALLISON H. POPE