

United States Court of Appeals

FIFTH CIRCUIT
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May 30, 2025

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No. 23-40605 Texas Medical Association v. HHS
USDC No. 6:22-CV-450
USDC No. 6:22-CV-453

Dear Counsel,

Enclosed is the court's order filed this date directing this case be reheard en banc with oral argument.

Under Fifth Circuit Local Rule 41.3 this order vacates the previous opinion and judgment of this court and stays the mandate.

Appellants will have until June 30, 2025, to file an en banc brief and the Appellee Cross Appellants' en banc brief is due on

July 30, 2025. Appellant Cross Appellees' reply brief is due on August 15, 2025. Appellee-Cross Appellants' reply brief is due on September 2, 2025.

You will be requested to furnish 22 paper copies of your en banc brief after the electronic filing is reviewed and processed. The color of the cover on your en banc brief will be the same as the color of the cover on your merits brief (blue for the appellant; red for the cross-appellant and cross-appellee, and yellow for cross-appellant reply). The date and time of oral argument will be announced at a later date. Counsel for the parties will receive adequate notice as to the exact date and time for the presentation of the oral argument.

We request that the parties forward 22 copies of their previously filed merits briefs, reply briefs, addendums, and record excerpts, for the use of the en banc court. As you did previously, we request that all copies be spirally bound. These additional copies are due in the Clerk's Office by June 16, 2025. Please contact me if you have any questions.

Also, attached is a revised case caption, which should be used on all future filings in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Peter A. Conners, Deputy Clerk
504-310-7685

cc:

Mr. Jack R. Bierig
Mr. K. Lee Blalack II
Mr. Eric D. Chan
Mr. Long Xuan Do
Mr. Andrew Robert Hellman
Ms. Hyland Hunt
Mr. Aaron D. Lindstrom
Mr. James Edward Tysse
Mr. Joseph J. Wardenski

Case No. 23-40605

Texas Medical Association; Tyler Regional Hospital, L.L.C.; Dr.
Adam Corley,

Plaintiffs - Appellees/Cross-Appellants

v.

United States Department of Health and Human Services; Office of
Personnel Management; United States Department of Labor; United
States Department of Treasury; Robert F. Kennedy, Jr.,
Secretary, U.S. Department of Health and Human Services, in his
official capacity; Charles Ezell, in his official capacity as
the Acting Director of the Office of Personnel Management; Scott
Bessent, Secretary, U.S. Department of Treasury, in his official
capacity; Lori Chavez-DeRemer, Acting Secretary, U.S. Department
of Labor, in her official capacity,

Defendants - Appellants/Cross-Appellees

LifeNet, Incorporated; Air Methods Corporation; Rocky Mountain
Holdings, L.L.C.; East Texas Air One, L.L.C.,

Plaintiffs - Appellees/Cross-Appellants

v.

United States Department of Health and Human Services; Office of
Personnel Management; United States Department of Labor; United
States Department of Treasury; Robert F. Kennedy, Jr.,
Secretary, U.S. Department of Health and Human Services, in his
official capacity; Charles Ezell, in his official capacity as
the Acting Director of the Office of Personnel Management; Scott
Bessent, Secretary, U.S. Department of Treasury, in his official
capacity; Lori Chavez-DeRemer, Acting Secretary, U.S. Department
of Labor, in her official capacity,

Defendants - Appellants

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 30, 2025

Lyle W. Cayce
Clerk

No. 23-40605

TEXAS MEDICAL ASSOCIATION; TYLER REGIONAL HOSPITAL,
L.L.C.; DR. ADAM CORLEY,

Plaintiffs—Appellees/Cross-Appellants,

versus

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; OFFICE OF PERSONNEL MANAGEMENT; UNITED
STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT
OF TREASURY; ROBERT F. KENNEDY, JR., *Secretary, U.S.*
Department of Health and Human Services, in his official capacity; CHARLES
EZELL, *in his official capacity as the Acting Director of the Office of Personnel*
Management; SCOTT BESSENT, *Secretary, U.S. Department of Treasury, in*
his official capacity; LORI CHAVEZ-DEREMER, *Acting Secretary, U.S.*
Department of Labor, in her official capacity,

Defendants—Appellants/Cross-Appellees,

LIFENET, INCORPORATED; AIR METHODS CORPORATION;
ROCKY MOUNTAIN HOLDINGS, L.L.C.; EAST TEXAS AIR ONE,
L.L.C.,

Plaintiffs—Appellees/Cross-Appellants,

versus

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; OFFICE OF PERSONNEL MANAGEMENT; UNITED

STATES DEPARTMENT OF LABOR; UNITED STATES DEPARTMENT OF TREASURY; ROBERT F. KENNEDY, JR., *Secretary, U.S. Department of Health and Human Services, in his official capacity*; CHARLES EZELL, *in his official capacity as the Acting Director of the Office of Personnel Management*; SCOTT BESSENT, *Secretary, U.S. Department of Treasury, in his official capacity*; LORI CHAVEZ-DEREMER, *Acting Secretary, U.S. Department of Labor, in her official capacity*,

Defendants—Appellants.

Appeal from the United States District Court
for the Eastern District of Texas
USDC Nos. 6:22-CV-450, 6:22-CV-453

ON PETITION FOR REHEARING EN BANC

(Opinion October 30, 2024, 5 CIR., 2024, 120 F.4th 494)

Before ELROD, *Chief Judge*, and JONES, SMITH, STEWART, RICHMAN, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT, HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, DOUGLAS, and RAMIREZ, *Circuit Judges*.

PER CURIAM:

A member of the court having requested a poll on the petition for rehearing en banc, and a majority of the circuit judges in regular active service and not disqualified having voted in favor,

IT IS ORDERED that this cause shall be reheard by the court en banc with oral argument on a date hereafter to be fixed. The Clerk will specify a briefing schedule for the filing of supplemental briefs. Pursuant to 5th Circuit Rule 41.3, the panel opinion in this case dated October 30, 2024 is VACATED.