

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

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

CHIQUITA BROOKS-LASURE, *et al.*,

Defendants.

Case No.: 6:23-cv-161 (JDK)

**UNOPPOSED MOTION OF FLORIDA ESSENTIAL HEALTHCARE PARTNERSHIPS,
LOUISIANA ESSENTIAL HEALTHCARE PARTNERSHIPS, AND THE FLORIDA
HOSPITAL ASSOCIATION FOR LEAVE TO APPEAR AND FILE A BRIEF AS AMICI
CURIAE IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Florida Essential Healthcare Partnerships (“FEHP”), Louisiana Essential Healthcare Partnerships (“LEHP”), and the Florida Hospital Association respectfully move for leave to file a brief as amici curiae in support of Plaintiffs’ motion for summary judgment. As described in the certificate of conference below, no party opposes this motion.

Leave to file an amicus brief should be granted “when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *In re Halo Wireless, Inc.*, 684 F.3d 581, 596 (5th Cir. 2012) (quoting *Ryan v. CFTC*, 125 F.3d 1062, 1063 (7th Cir. 1997)). Whether to permit amicus briefing “lies solely within the court’s discretion.” *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007).

FEHP and LEHP are advocacy and education non-profit organizations created by certain Florida and Louisiana hospitals to be a collective voice before all levels of government to promote

sound Medicaid policy. FEHP and LEHP represent a broad collection of more than a dozen healthcare providers. The Florida Hospital Association represents more than 200 hospitals and health systems in the state of Florida. Its members rely on state directed payments to support their missions, including the delivery of accessible high-quality healthcare to the communities they support.

Proposed Amici’s members depend on clear and predictable Medicaid regulations to plan their budgets and serve their constituents. The novel and unlawful conception of hold-harmless agreements that the Centers for Medicare & Medicaid Services (“CMS”) seeks to enforce in states like Texas and Florida injects uncertainty into the hospital industry and jeopardizes coverage for vulnerable Floridians, Louisianans, and Medicaid recipients around the country.

Proposed Amici wish to submit an amicus brief to inform the Court of CMS’s actions to enforce its unlawful interpretation outside of Texas—that is, in States where CMS is not preliminarily enjoined by this Court. CMS’s actions directly contradict this Court’s preliminary findings. Should the Court grant a final judgment for Texas, the relief should be the default remedy under the Administrative Procedure Act of vacatur of the challenged action in order to prevent CMS from pursuing this unlawful policy in other states.

Proposed Amici thus respectfully request that this Court grant this motion for leave and permit the filing of their amicus brief.

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Dated: April 11, 2025

/s/ Michael D. Williams
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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2025, this document was filed through the Court's CM/ECF system, which served it upon all counsel of record.

Dated: April 11, 2025

Respectfully submitted,

/s/Todd Disher
Todd Disher

CERTIFICATE OF CONFERENCE

I hereby certify that the undersigned complied with Local Civil Rule CV-7(h). Because no party opposed this motion, under Local Civil Rule CV-7(h), a "personal conference" by telephone or in person was unnecessary.

Dated: April 11, 2025

Respectfully submitted,

/s/Todd Disher
Todd Disher

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**ORDER GRANTING UNOPPOSED MOTION OF
FLORIDA ESSENTIAL HEALTHCARE PARTNERSHIPS,
LOUISIANA ESSENTIAL HEALTHCARE PARTNERSHIPS,
AND THE FLORIDA HOSPITAL ASSOCIATION FOR LEAVE
TO APPEAR AND FILE A BRIEF AS AMICI CURIAE**

Before the Court is Florida Essential Healthcare Partnerships, Louisiana Essential Healthcare Partnerships, and the Florida Hospital Association's Unopposed Motion for Leave to Appear and File a Brief as Amici Curiae in Support of Plaintiffs' Motion for Summary Judgment. After considering the Motion, the Court believes the Motion is meritorious and should be granted.

It is therefore **ORDERED** that the Unopposed Motion for Leave to Appear and File a Brief as Amici Curiae in Support of Plaintiffs' Motion for Summary Judgment is hereby **GRANTED**, and the Clerk of Court is **ORDERED** to file the brief of amici curiae on the docket.