

No. 18-10545

**In the United States Court of Appeals
for the Fifth Circuit**

TEXAS, ET AL.,

Plaintiffs-Appellees / Cross-Appellants,

v.

UNITED STATES, ET AL.,

Defendants-Appellants / Cross-Appellees.

TWELFTH JOINT STATUS REPORT

1. By order dated June 15, 2018, this Court granted the parties' joint motion to hold this appeal in abeyance pending the entry of final judgment in the district court and directed the parties to submit status reports at 30-day intervals.

2. On August 21, 2018, the district court entered an order granting in part, and denying in part, Plaintiffs-Appellees / Cross-Appellants' motion for reconsideration. The August 21, 2018 order was not a final judgment, but stated that "[t]he Court will issue a separate final judgment order pursuant to Federal Rule of Civil Procedure 58."

3. On August 24, 2018, Defendants-Appellants / Cross-Appellees filed a motion to stay issuance of final judgment. Plaintiffs-Appellees / Cross-Appellants filed a response on September 7, 2018, and Defendants-Appellants / Cross-Appellees replied on September 21, 2018.

4. On October 19, 2018, Plaintiffs-Appellees / Cross-Appellants filed a notice of appeal of the district court's August 21, 2018 order. This Court docketed that appeal under the same case number as the instant appeal.

5. On October 29, 2018, the district court held a hearing on Defendants-Appellants / Cross-Appellees' motion to stay issuance of final judgment. During the hearing, the parties agreed to share certain information and engage in further discussions about whether additional proceedings regarding the amount of disgorgement will be necessary.

6. After completing those discussions, on June 7, 2019, the parties filed a joint status report with the district court that provided it with their agreement as to reasonable approximations of the amount each Plaintiff State paid to account for its Managed Care Organizations' Health Insurance Providers Fee payments for Medicaid and CHIP premiums for 2014–2016 for the purposes of the court's award of equitable disgorgement in this matter. The joint status report also asked the district court to allow the parties to brief one remaining legal issue. Barring unforeseen extensions, the parties will complete that briefing on July 12, 2019 and they expect the district court to be able to issue a final judgment sometime after that date.

8. The parties respectfully request that the Court maintain its abeyance of this matter as proceedings continue to move forward in the district court.

9. Counsel for the federal government has authorized Plaintiffs-Appellees / Cross-Appellants to state that this status report is filed on behalf of all parties.

Date: June 27, 2019

Respectfully submitted.

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/s/ David J. Hacker
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CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2019, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ David J. Hacker
DAVID J. HACKER

CERTIFICATE OF COMPLIANCE

I certify that this document complies with Federal Rules of Appellate Procedure 32(g) because it contains fewer than 5,200 words and was prepared in Microsoft Word using 14-point Equity typeface.

/s/ David J. Hacker
DAVID J. HACKER