

No. 18-10545

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

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TEXAS, ET AL.,

*Plaintiffs-Appellees / Cross-Appellants,*

v.

UNITED STATES, ET AL.,

*Defendants-Appellants / Cross-Appellees.*

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**FIFTEENTH 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.

7. On July 29, 2019, the parties submitted to the district court a proposed final judgment and a schedule for briefing Defendants' motion to stay execution of the final judgment pending appeal.

8. On July 30, 2019, the district court entered a final judgment, set a schedule for briefing Defendants' motion to stay execution of the final judgment pending appeal, and temporarily stayed execution of the final judgment pending completion of the briefing. That motion was fully briefed on September 17, 2019 and is awaiting resolution.

9. Defendants filed a notice of appeal of the district court’s final judgment on September 26, 2019. Plaintiff States will file a cross-appeal shortly. Thereafter, the parties intend to move to consolidate all appeals in this case.

10. The parties respectfully request that the Court maintain its abeyance of this matter until the time to perfect an appeal of the final judgment has passed so that all issues relating to the proceeding below may be consolidated in a single proceeding before this Court.

11. 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: September 27, 2019

Respectfully submitted.

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Attorney General of Texas

KYLE D. HAWKINS  
Solicitor General

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/s/ Lanora C. Pettit  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 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/ Lanora C. Pettit*

LANORA C. PETTIT

**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/ Lanora C. Pettit*

LANORA C. PETTIT