

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

THE STATE OF LOUISIANA,  
By and through its Attorney General,  
JEFF LANDRY;

THE STATE OF MONTANA, By and  
through its Attorney General, AUSTIN  
KNUDSEN;

THE STATE OF ARIZONA, By and  
through its Attorney General, MARK  
BRNOVICH;

THE STATE OF ALABAMA, By and  
through its Attorney General, STEVE  
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THE STATE OF GEORGIA, By and  
through its Attorney General,  
CHRISTOPHER M. CARR;

THE STATE OF IDAHO, By and through  
its Attorney General, LAWRENCE G.  
WASDEN;

THE STATE OF INDIANA, By and  
through its Attorney General,  
THEODORE M. ROKITA;

THE COMMONWEALTH OF  
KENTUCKY, By and through its  
Attorney General, DANIEL CAMERON;

THE STATE OF MISSISSIPPI, By and  
through its Attorney General, LYNN  
FITCH;

THE STATE OF OHIO, By and through  
its Attorney General, DAVE YOST;

Civil Action No. 3:21-cv-03970

District Judge Terry A. Doughty

Magistrate Judge Kayla D. McClusky

THE STATE OF OKLAHOMA, By and through its Attorney General, JOHN M. O'CONNOR;

THE STATE OF SOUTH CAROLINA, By and through its Attorney General, ALAN WILSON;

THE STATE OF UTAH, By and through its Attorney General, SEAN D. REYES;

THE STATE OF WEST VIRGINIA, By and through its Attorney General, PATRICK MORRISEY;

PLAINTIFFS,

v.

XAVIER BECERRA, in his official capacity as Secretary of Health and Human Services, et al.,

THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES;

CHIQUITA BROOKS-LASURE, in her official capacity of Administrator of the Centers for Medicare & Medicaid Services;

CENTERS FOR MEDICARE & MEDICAID SERVICES;

DEFENDANTS.

**NOTICE OF PLAINTIFF'S MOTION FOR REMAND FILED IN THE  
U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT**

The Plaintiff States respectfully give notice that, on February 10, 2022, they filed an Emergency Notice of Indicative Ruling and Motion for Remand with the U.S.

Court of Appeals for the Fifth Circuit. The Fifth Circuit has now set the briefing schedule for this matter:

- Thursday February 10: Plaintiff States' Emergency Motion Filed
- Friday, February 11 at 5:00PM CT: Defendant's Response Due
- Saturday February 12 at 1:00PM CT: Plaintiff States' Reply Due

The Plaintiff States' Motion for Leave to File a Second Amended Complaint remains pending before this Court. Under Fed. R. of Civ. P. 62.1(c), that motion can be considered by this Court pending the ruling of the Fifth Circuit on Plaintiff States' Emergency Motion for Remand. Given that the next compliance deadline occurs this Monday, February 14, 2022, the Plaintiff States will continue working expeditiously to resolve this matter.

Dated: February 11, 2022

Respectfully Submitted,

By: /s/ Elizabeth B. Murrill

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I presented the above and foregoing for filing and uploading to the CM/ECF system which will send electronic notification of such filing to all counsel of record.

Baton Rouge, Louisiana, this 11th day of February 2022.

/s/ Elizabeth B. Murrill  
OF COUNSEL