

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

MAXWELL KADEL, *et al.*,

*Plaintiffs,*

*v.*

NORTH CAROLINA  
STATE HEALTH PLAN FOR  
TEACHERS AND STATE  
EMPLOYEES,

*Defendant.*

No. 22-1730

**MOTION TO VOLUNTARILY DISMISS APPEAL PURSUANT TO RULE 42(b) OF  
THE FEDERAL RULES OF APPELLATE PROCEDURE**

Appellant North Carolina State Health Plan for Teachers and State Employees (“State Health Plan”) respectfully moves this Court to dismiss the interlocutory appeal in No. 22-1730 pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. This case was previously deconsolidated from Appeal No. 22-1721 and remanded to the district court for the limited purpose of correcting portions of its June 10, 2022, Memorandum Opinion and Order. (Doc. 32). The district court has now made those corrections and clarifications, 1:19-cv-272-LCB, Doc. 260-61, and thus the voluntary dismissal of this

interlocutory appeal by the State Health Plan (No. 22-1730) is appropriate. The parties will bear their own cost as it relates to the appeal in No. 22-1730.

The undersigned has conferred with an attorney for the Plaintiffs who consents to this requested dismissal of the appeal in No. 22-1730.

Respectfully submitted this the 10th day of August, 2022.

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will provide electronic notification to all counsel of record in this matter.

This the 10th day of August, 2022.

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