

FILED: April 17, 2023

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 22-1927  
(3:20-cv-00740)

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CHRISTOPHER FAIN; SHAUNTAE ANDERSON, individually and on behalf  
of all others similarly situated

Plaintiffs - Appellees

v.

WILLIAM CROUCH, in his official capacity as Cabinet Secretary of the West  
Virginia Department of Health and Human Resources; CYNTHIA BEANE, in her  
official capacity as Commissioner for the West Virginia Bureau for Medical  
Services; WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES, Bureau for Medical Services

Defendants - Appellants

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STATE OF WEST VIRGINIA

Amicus Supporting Appellants

COLORADO; DELAWARE; DISTRICT OF COLUMBIA; FAIRNESS WEST  
VIRGINIA; MOUNTAIN STATE JUSTICE, INC.; NATIONAL HEALTH LAW  
PROGRAM; CENTER FOR MEDICARE ADVOCACY; CONSTITUTIONAL  
LAW PROFESSORS; AMERICAN MEDICAL ASSOCIATION; ENDOCRINE  
SOCIETY; NATIONAL ASSOCIATION OF NURSE PRACTITIONERS IN  
WOMEN'S HEALTH; AMERICAN PSYCHIATRIC ASSOCIATION;  
SOCIETY OF OB/GYN HOSPITALISTS; ILLINOIS; MAINE; MARYLAND;  
MASSACHUSETTS; MINNESOTA; NEVADA; NEW JERSEY; NEW  
MEXICO; NEW YORK; OREGON; RHODE ISLAND; VERMONT;

WASHINGTON

Amici Supporting Appellees

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O R D E R

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The court schedules this case for en banc oral argument during the September 19-22, 2023, oral argument session. The case will be heard in seriatim with No. 22-1721, *Maxwell Kadel v. Dale Folwell*.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk