

No. 22-1927

IN THE
United States Court of Appeals
for the Fourth Circuit

**CHRISTOPHER FAIN and 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 of the West Virginia Bureau
for Medical Services; and WEST VIRGINIA DEPARTMENT OF HEALTH
AND HUMAN RESOURCES, BUREAU FOR MEDICAL SERVICES,**

Defendants-Appellants.

On Appeal from the U.S. District Court for the Southern District of West Virginia
No. 3:20-cv-00740

**PLAINTIFFS-APPELLEES' RESPONSE TO THE STATE OF WEST
VIRGINIA'S MOTION FOR LEAVE TO PARTICIPATE IN ORAL
ARGUMENT AS AMICUS CURIAE**

Plaintiffs-Appellees respectfully submit the following Response to the
Motion for Leave to Participate in Oral Argument (the "Motion") filed by *Amicus
Curiae*, the state of West Virginia.

Although Plaintiffs-Appellees disagree with the substantive arguments and
mischaracterizations of the record offered in the Motion, Plaintiffs-Appellees do

not oppose the State's request to participate in oral argument by dividing time with Defendants-Appellants.

Dated: May 1, 2023

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the foregoing filing complies with the relevant type-volume limitation and typeface requirements of the Federal Rules of Appellate Procedure and Federal Circuit Rules.

1. Exclusive of the exempted portions of the brief, as provided in Fed. R. App. P. 32(f), this response contains 60 words.

2. This response has been prepared in proportionally spaced typeface using Microsoft Word in 14 point Times New Roman font. As permitted by Fed. R. App. P. 32(g)(1), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

Dated: May 1, 2023

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