

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

**Braidwood Management Inc., et al.,**

Plaintiffs-Appellees/  
Cross-Appellants,

v.

**Xavier Becerra, et al.,**

Defendants-Appellants/  
Cross-Appellees

No. 23-10326

**PLAINTIFFS-APPELLEES/CROSS APPELLANTS'  
UNOPPOSED MOTION TO AMEND THE CAPTION**

Plaintiffs-appellees/cross-appellants Braidwood Management Inc., et al., respectfully move to amend the caption to include cross-appellants Joel Miller and Gregory Scheideman. Mr. Miller and Mr. Scheideman are plaintiffs whose claims were dismissed for lack of Article III standing. They have cross-appealed but should be added only as cross-appellants and not as appellees, because the district court did not enter judgment in their judgment in their favor.

The plaintiffs-appellants/cross-appellees respectfully ask the Court to amend the caption to read as follows:

Braidwood Management, Incorporated; John Scott Kelley; Kelley Orthodontics; Ashley Maxwell; Zach Maxwell; Joel Starnes,

*Plaintiffs - Appellees/Cross-Appellants*

and

Joel Miller and Gregory Scheideman,

*Plaintiffs - Cross-Appellants*

v.

Xavier Becerra, Secretary, U.S. Department of Health and Human Services, in his official capacity as Secretary of Health and Human Services; United States of America; Janet Yellen, Secretary, U.S. Department of Treasury, in her official capacity as Secretary of the Treasury; Julie A. Su, Acting Secretary, U.S. Department of Labor, in his official capacity as Secretary of Labor,

*Defendants - Appellants/Cross-Appellees*

We have conferred with the defendants-appellants/cross-appellees and they are unopposed to this motion.

## CONCLUSION

The unopposed motion to amend the caption should be granted.

Respectfully submitted.

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
Mitchell Law PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
(512) 686-3940  
jonathan@mitchell.law

Dated: June 12, 2023

*Counsel for Plaintiffs-Appellees*

## CERTIFICATE OF CONFERENCE

I certify that I conferred with Alisa Klein, counsel for the defendants-appellants, and she informed me that her clients are unopposed to this motion.

Dated: June 12, 2023

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiffs-Appellees*

## CERTIFICATE OF COMPLIANCE

with type-volume limitation, typeface requirements,  
and type-style requirements

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 191 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).
2. This motion complies with the typeface and type-style requirements of Fed. R. App. P. 27(d)(1)(E), 32(a)(5), and Fed. R. App. P. 32(a)(6) because it uses Equity Text B 14-point type face throughout, and Equity Text B is a proportionally spaced typeface that includes serifs.

Dated: June 12, 2023

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiffs-Appellees*

## CERTIFICATE OF SERVICE

I certify that on June 12, 2023, this document was electronically filed with the clerk of the court for the U.S. Court of Appeals for the Fifth Circuit and served through CM/ECF upon:

ALISA KLEIN  
Appellate Staff Civil Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202) 514-1597  
alisa.klein@usdoj.gov

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiffs-Appellees*