

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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June 13, 2023

Mr. Jonathan F. Mitchell  
111 Congress Avenue  
Suite 400  
Austin, TX 78701-0000

No. 23-10326 Braidwood Mgmt v. Becerra  
USDC No. 4:20-CV-283

Dear Mr. Mitchell,

We received your motion to amend the caption, however; because the parties were erroneously left out of the case at case opening, a motion is not necessary. The parties have been added to the case.

In light of the aforementioned, we are taking no action on this motion.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Melissa V. Mattingly, Deputy Clerk  
504-310-7719

cc:

Mr. Daniel J. Aguilar  
Ms. Connie K. Chan  
Ms. Barbara Chisholm  
Mr. Charles William Fillmore  
Ms. Madeline Gitomer  
Mr. Gene Patrick Hamilton  
Ms. Corinne Johnson  
Ms. Alisa Beth Klein  
Mr. Christopher M. Lynch  
Mr. Sean Michael Marotta  
Ms. Beth Bivans Petronio  
Mr. Andrew John Pincus  
Mr. Michael S. Raab

Mr. Nicolas Sansone  
Mr. Brian Walters Stoltz  
Mr. David Willner  
Ms. Allison M. Zieve

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  
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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:

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