

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5326

September Term, 2021

1:16-cv-00157-RMC

Filed On: November 1, 2021

UnitedHealthcare Insurance Company, et al.,

Appellees

v.

Xavier Becerra, in his official capacity as
Secretary of Health and Human Services, et al.,

Appellants

BEFORE: Rogers, Pillard, and Walker, Circuit Judges

ORDER

Upon consideration of appellees' petition for panel rehearing filed September 27, 2021, and the response thereto, it is

ORDERED that the petition be denied. It is

FURTHER ORDERED that the opinion issued August 13, 2021, be amended as follows:

(1) Slip Op., p. 7, lines 1-5: Delete: "We therefore reverse the district court's grant of summary judgment to UnitedHealth and its resulting vacatur of the Overpayment Rule and remand for the district court to enter judgment in favor of CMS." and

Insert in lieu thereof: "We therefore reverse the judgment of the district court vacating the Overpayment Rule and remand this case with orders to enter judgment in favor of Appellants, except with respect to the Overpayment Rule's definition of 'identified.'"

(2) Slip Op., p. 49, lines 5-7: Delete: "We accordingly reverse the judgment of the district court and remand this case with orders to enter judgment in favor of Appellants." and

Insert in lieu thereof: "We accordingly reverse the judgment of the district court vacating the Overpayment Rule and remand this case with orders to enter judgment in favor of Appellants, except with respect to the Overpayment Rule's definition of 'identified.'"

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The Clerk is directed to issue the amended opinion and to amend the judgment issued August 13, 2021. The Clerk is further directed to issue the mandate forthwith.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk