

No. 15-10210

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

AETNA LIFE INSURANCE COMPANY,

Plaintiff–Appellant,

v.

METHODIST HOSPITALS OF DALLAS, doing business as METHODIST
MEDICAL CENTER, doing business as CHARLTON MEDICAL CENTER; TEXAS
HEALTH RESOURCES; MEDICAL CENTER EAR, NOSE & THROAT ASSOCIATES
OF HOUSTON, P.A.,

Defendants–Appellees.

On Appeal from the United States District Court
for the Northern District of Texas
No. 3:14-cv-347

**NOTICE PURSUANT TO FEDERAL RULE OF APPELLATE
PROCEDURE 44(b)**

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Counsel for Appellant

**NOTICE PURSUANT TO FEDERAL RULE OF APPELLATE
PROCEDURE 44(b)**

Aetna Life Insurance Company (“Aetna”) hereby gives notice pursuant to Federal Rule of Appellate Procedure 44(b), out of an abundance of caution, because this appeal may involve a constitutional issue with respect to a Texas statute in a case in which neither Texas nor its agency, officer, or employee is a party in an official capacity. Aetna’s anticipated threshold argument in this appeal is not a constitutional challenge, but an issue of statutory interpretation regarding the scope of the Texas prompt pay statute, Tex. Ins. Code § 1301.101 *et seq.* In the alternative, however, in the event the Fifth Circuit rules against Aetna on this issue of statutory interpretation, Aetna intends to invoke the Supremacy Clause of the United States Constitution in arguing that the prompt pay statute is preempted by ERISA §§ 502(a), 503, and 514(a), 29 U.S.C. §§ 1132(a), 1133, 1144(a).

May 1, 2015

Respectfully submitted,

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/s/ Miguel A. Estrada
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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2015, an electronic copy of the foregoing Notice Pursuant to Federal Rule of Appellate Procedure 44(b) was filed with the Clerk of Court for the United States Court of Appeals for the Fifth Circuit using the appellate CM/ECF system, and that service will be accomplished by the appellate CM/ECF system.

/s/ Miguel A. Estrada

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United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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May 04, 2015

Mr. Barry McBee
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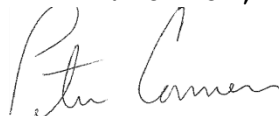
No. 15-10210 Aetna Life Insurance Company v. Methodist
Hospitals of Dallas, et al
USDC No. 3:14-CV-347

This letter certifies notice of a constitutional question in this case. Enclosed is a copy of the notice filed by counsel.

If you have any questions, please do not hesitate to contact the clerk's office at the above number.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Peter A. Conners, Deputy Clerk
504-310-7685

cc:
Mr. Miguel Angel Estrada
Mr. Matthew Scott Rozen
Mr. John Bruce Shely
Mr. Geoffrey M. Sigler
Mr. Mikal Watts