

FIFTEENTH COURT OF APPEALS OF TEXAS

Cecile Erwin Young, in Her Official Capacity as the Executive Commissioner of the Texas Health and Human Services Commission
v. Cook Children's Health Plan, Texas Children's Health Plan, Superior HealthPlan, Inc., and Wellpoint Insurance Company

Young v. Cook Children's Health Plan · No. 15-24-00114-CV · Decided December 22, 2025

SUMMARY

This document is Appellees’ joint reply in support of motions for rehearing concerning Rule 29.3 motions in an interlocutory appeal involving the Texas Health and Human Services Commission’s managed-care procurement. Appellees argue that the court should reinstate the trial court’s temporary injunction or extend an administrative stay to prevent imminent irreparable harm, preserve appellate jurisdiction, and prevent execution of allegedly unlawful contracts before merits review. They also contend that a temporary standstill agreement should not substitute for a full analysis of irreparable harm and appellate-injunction authority.

CASE DETAILS

COURT	Fifteenth Court of Appeals of Texas
JURISDICTION	Texas
DECIDED	December 22, 2025
DOCKET	15-24-00114-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appellees filed a joint reply in support of motions for rehearing concerning the court of appeals' denial of motions under Texas Rule of Appellate Procedure 29.3. The filing asks the court to reinstate the trial court's temporary injunction or, alternatively, extend an administrative stay pending resolution of related mandamus petitions in the Texas Supreme Court.
STANDARD OF REVIEW	The filing argues that an applicant for a stay pending appeal must show imminent irreparable harm if relief is not granted, and that an appellate injunction issued to protect jurisdiction does not require the same irreparable-harm showing.
PRECEDENTIAL VALUE	none; litigation filing rather than court opinion

PARTIES

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TOPICS

appellate procedure injunctions mootness ripeness government contracts

PRACTICE AREAS

appellate procedure administrative law health law government contracts remedies

QUESTIONS PRESENTED

1. Whether the court of appeals should grant rehearing and reconsider the denial of appellees' Rule 29.3 motions based on the alleged imminent and irreparable harm from execution of the procurement contracts.
2. Whether the court of appeals should reinstate the trial court's temporary injunction pending resolution of the appeal.
3. Whether the court of appeals should issue an injunction under Texas Government Code section 22.221(a) to protect its jurisdiction without requiring a showing of irreparable harm.
4. Whether the court of appeals should extend its administrative stay pending disposition of appellees' mandamus petitions in the Texas Supreme Court.

KEY QUOTATIONS

"Ripeness requires only that the alleged harm is likely to occur." (4)

"the procedural right to ask the Supreme Court to review this Court's denial of Rule 29.3 relief is not the equivalent of the right to have this Court's meaningful assessment, in the first instance, of that request for relief." (7)

"The Court should grant Appellees' motions for rehearing and fully consider their arguments about the imminent, irreparable harm they face in the absence of relief from this Court reinstating the trial court's temporary injunction pending resolution of the Commissioner's appeal." (11)

FACTUAL BACKGROUND

The dispute concerns a Texas Health and Human Services Commission procurement affecting healthcare plans and STAR and CHIP members. Appellees allege that the Commissioner intends to execute contracts with intended awardees before the court of appeals resolves the appeal, despite a temporary standstill agreement. The trial court allegedly found that the Commissioner likely violated multiple Texas laws and acted ultra vires in administering the procurement.

PROCEDURAL HISTORY

The appeal arises from the 455th Judicial District Court of Travis County's temporary injunction concerning a governmental healthcare procurement. Appellees state that the trial court found the Commissioner likely acted ultra vires and that the court of appeals denied their Rule 29.3 motions based on a temporary standstill agreement. This document requests rehearing and further interim relief; it does not report a court ruling on those requests.

DISPOSITION

other

CASES CITED

- Wilson v. Community Health Choice Texas, Inc., 607 S.W.3d 843, 848 (Tex. App.—Austin 2020, pet. denied)
- Patel v. Tex. Dep't of Licensing & Regulation, 469 S.W.3d 69, 78 (Tex. 2015)
- In re State, 711 S.W.3d 641, 645 (Tex. 2024)
- Huynh v. Blanchard, 694 S.W.3d 648, 675, 679–80 (Tex. 2024)
- In re Geomet Recycling LLC, 578 S.W.3d 82, 89 (Tex. 2019) (orig. proceeding)
- In re Tex. Educ. Agency, 619 S.W.3d 679, 689–90 (Tex. 2021) (orig. proceeding)
- In re Novartis Pharms. Corp., No. 24-0239, 2025 WL 2989490, at *4 (Tex. Oct. 24, 2025) (op. on denial of mandamus)
- Pace v. McEwen, 604 S.W.2d 231, 233 (Tex. Civ. App.—San Antonio 1980, orig. proceeding)