## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

)

) )

)

)

) )

AMERICAN HOSPITAL ASSOCIATION, et al.,

Plaintiffs, v. ALEX M. AZAR II, in his official capacity as Secretary of Health and Human Services, Defendant.

Case No. 1:20-cv-80

Defenaant.

## JOINT STATUS REPORT

Pursuant to this Court's minute order of December 7, 2020, the parties respectfully submit this joint status report.

- In the related case *American Hospital Association v. Azar*, 964 F.3d 1260 (D.C. Cir. 2020), the Court of Appeals denied the plaintiffs' petition for rehearing on October 16, 2020.
- The plaintiffs anticipate that they will file a petition for a writ of certiorari for review of the Court of Appeals decision.
- The parties accordingly request that the Court continue to hold this case in abeyance pending the disposition of the plaintiffs' anticipated petition for a writ of certiorari in the related case.
- 4. The parties further request that the Court direct them to file a joint status report within fourteen days of the following: (1) the Supreme Court's disposition of the petition for a writ of certiorari on the merits, if the Court grants that petition; (2) the Supreme Court's

denial of such a petition, if the petition is denied; or (3) the expiration of the time for the

filing such a petition, if a petition is not filed.

WHEREFORE, the parties respectfully request that the case remain stayed until further

order of the Court.

Dated: December 11, 2020

/s/ Catherine E. Stetson Catherine E. Stetson (D.C. Bar No. 453221) Susan M. Cook (D.C. Bar No. 462978) HOGAN LOVELLS US LLP 555 Thirteenth Street, NW Washington, D.C. 20004 202.637.5600 (phone) 202.637.5910 (fax) cate.stetson@hoganlovells.com

Counsel for Plaintiffs

Respectfully submitted,

JEFFREY BOSSERT CLARK Acting Assistant Attorney General

MICHELLE R. BENNETT Assistant Branch Director

<u>/s/ Bradley P. Humphreys</u> BRADLEY P. HUMPHREYS (D.C. Bar No. 988057) Trial Attorney, U.S. Department of Justice Civil Division, Federal Programs Branch 1100 L Street, N.W. Washington, D.C. 20005 Tel.: (202) 305-0878 Fax: (202) 616-8470 E-mail: Bradley.Humphreys@usdoj.gov

Counsel for Defendant