

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services, *et al.*,

Defendants.

Civil Action No. 1:22-cv-00113-HSO-RPM

JOINT STIPULATION OF DISMISSAL

On May 5, 2022, Plaintiffs commenced this action to challenge CMS’s rule implementing the Merit-Based Incentive Payment System (MIPS) under which CMS included the creation and implementation of an “Anti-Racism Plan” as a clinical practice improvement activity. *See* Medicare Program: CY 2022 Payment Policies Under the Physician Fee Schedule and Other Changes, 86 Fed. Reg. 64,996, 65,969 (Nov. 19, 2021). On May 6, 2025, CMS announced the suspension of eight MIPS improvement activities for the calendar year 2025 performance period, including the improvement activity at issue in this action, and stated its intent “to propose removing these improvement activities in future rulemaking.” Doc. 198.

On November 5, 2025, CMS published the final rule removing the improvement activity challenged in this case. *See* 90 Fed. Reg. 49,266, 49,868, 50,365-66 (Nov. 5, 2025).

Pursuant to Rule 41(a)(1)(A)(ii), the parties stipulate to dismissal of this action with each party to bear its own fees and costs.

Dated: November 11, 2025

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