

agency has *reinstated* the second year of the two-year phase-in that was promulgated—in the agency’s own words, “finalized”—in the now-vacated 2019 OPPS Rule. That violates this Court’s vacatur order.

WHEREFORE, for the foregoing reasons, as well as those set forth in the attached Memorandum in Support, which is incorporated herein by reference, the above-captioned Plaintiffs respectfully request an order finding the CY 2020 rate reductions unlawful, and vacating the relevant portion of the 2020 Final Rule.

Pursuant to Local Rule 7(m), counsel for the above-captioned Plaintiffs reached out to Defendants’ counsel, who indicated that they oppose the relief requested in this motion.

Respectfully submitted,

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