

**ORAL ARGUMENT NOT YET SCHEDULED****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN HOSPITAL  
ASSOCIATION, ASSOCIATION OF  
AMERICAN MEDICAL COLLEGES,  
THE FEDERATION OF AMERICAN  
HOSPITALS, NATIONAL  
ASSOCIATION OF CHILDREN'S  
HOSPITALS, INC., MEMORIAL  
COMMUNITY HOSPITAL AND  
HEALTH SYSTEM, PROVIDENCE  
HEALTH SYSTEM – SOUTHERN  
CALIFORNIA d/b/a PROVIDENCE  
HOLY CROSS MEDICAL CENTER,  
and BOTHWELL REGIONAL  
HEALTH CENTER,

*Plaintiffs-Appellants*

v.

ALEX M. AZAR II,  
in his official capacity as SECRETARY  
OF HEALTH AND HUMAN  
SERVICES

*Defendant-Appellee*

Case No. 20-5193

**PRELIMINARY STATEMENT OF ISSUES**

Pursuant to the Clerk's order of July 2, 2020, Appellants file this  
preliminary Statement of Issues:

1. Whether section 2718(e) authorizes HHS to compel two separate disclosures revealing multiple different types of rates for a hospital's items or services, including any amount the hospital agrees to accept for any patient subpopulation for any hospital item or service.
2. Whether HHS's Final Rule violates the First Amendment.
3. Whether HHS acted in a manner that was arbitrary and capricious, an abuse of discretion, unlawful, or contrary to a constitutional right within the meaning of the Administrative Procedure Act, 5 U.S.C. § 706, in adopting the Final Rule.

DATED: July 15, 2020

Respectfully submitted,

/s/ Lisa S. Blatt

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2020, a true and accurate copy of the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ Lisa S. Blatt

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*Attorney for Plaintiffs-Appellants*