

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN HOSPITAL ASSOCIATION,
et al.,

Appellants,

v.

ALEX M. AZAR, II, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF HEALTH
AND HUMAN SERVICES,

Appellee.

No. 20-5193

**APPELLEE'S CERTIFICATE AS TO
PARTIES, RULINGS, AND RELATED CASES**

Pursuant to the Court's scheduling order of July 2, 2020, counsel for appellee certifies as follows:

A. Parties and Amici

Plaintiffs-Appellants are the American Hospital Association, the Association of American Medical Colleges, the Federation of American Hospitals, the National Association of Children's Hospitals, the Memorial Community Hospital and Health System, Providence Health System--Southern California, d/b/a Providence Holy Cross Medical Center, and the Bothwell Regional Health Center.

Defendant-Appellee is Alex M. Azar, II, in his official capacity as Secretary of Health and Human Services.

The following amici have currently appeared before this Court: the Chamber of Commerce of the United States of America; the Healthcare Financial Management Association; and forty State hospital associations (Alaska State Hospital & Nursing Home Association, Arizona Hospital and Healthcare Association, Arkansas Hospital Association, California Hospital Association, Connecticut Hospital Association, District of Columbia Hospital Association, Florida Hospital Association, Georgia Hospital Association, Healthcare Association of Hawaii, Illinois Health and Hospital Association, Iowa Hospital Association, Kansas Hospital Association, Kentucky Hospital Association, Louisiana Hospital Association, Maine Hospital Association, Massachusetts Health and Hospital Association, Michigan Health and Hospital Association, Mississippi Hospital Association, Missouri Hospital Association, Montana Hospital Association, Nebraska Hospital Association, Nevada Hospital Association, New Hampshire Hospital Association, New Jersey Hospital Association, New Mexico Hospital Association, Healthcare Association of New York State, Greater New York Hospital Association, North Carolina Healthcare Association, North Dakota Hospital Association, Ohio Hospital Association, Oregon Association of Hospitals and Health Systems, Hospital and Healthsystem Association of Pennsylvania, South Carolina Hospital Association, South Dakota Association of Healthcare Organizations, Tennessee Hospital Association, Texas Hospital Association, Washington State Hospital Association, West Virginia Hospital Association, Wisconsin Hospital Association, Wyoming Hospital Association).

Amici in the district court were the Chamber of Commerce of the United States of America; PatientRightsAdvocates.org; Independent Women’s Law Center; Texas Public Policy Foundation; Association of Mature American Citizens; and thirty-seven State hospital associations (Alaska State Hospital & Nursing Home Association, Arizona Hospital and Healthcare Association, Arkansas Hospital Association, California Hospital Association, Connecticut Hospital Association, District of Columbia Hospital Association, Georgia Hospital Association, Healthcare Association of Hawaii, Illinois Health and Hospital Association, Iowa Hospital Association, Kansas Hospital Association, Kentucky Hospital Association, Louisiana Hospital Association, Maine Hospital Association, Massachusetts Health and Hospital Association, Mississippi Hospital Association, Missouri Hospital Association, Montana Hospital Association, Nebraska Hospital Association, Nevada Hospital Association, New Hampshire Hospital Association, New Jersey Hospital Association, New Mexico Hospital Association, Healthcare Association of New York State, Greater New York Hospital Association, North Carolina Healthcare Association, North Dakota Hospital Association, Ohio Hospital Association, Oregon Association of Hospitals and Health Systems, Hospital and Healthsystem Association of Pennsylvania, South Carolina Hospital Association, South Dakota Association of Healthcare Organizations, Tennessee Hospital Association, Texas Hospital Association, Washington State Hospital Association, West Virginia Hospital Association, Wisconsin Hospital Association).

B. Rulings Under Review

Plaintiffs appeal from the memorandum opinion and order issued on June 23, 2020 by the Honorable Carl J. Nichols (D.D.C. Case No. 19-cv-03619), granting defendant's motion for summary judgment and denying plaintiff's motion for summary judgment.

C. Related Cases

Counsel is not aware of any related cases within the meaning of D.C. Circuit Rule 28(a)(1)(C).

Respectfully submitted,

s/ Courtney L. Dixon

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August 2020

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2020, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

s/ Courtney L. Dixon
COURTNEY L. DIXON