

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

AMERICAN HOSPITAL ASSOCIATION,
et al.,

Plaintiffs-Appellees,

– v. –

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

Defendant-Appellant.

No. 19-5352
(Consolidated with
Nos. 19-5353 & 19-5354)

**NOTICE OF DIGESTIVE HEALTH PHYSICIANS ASSOCIATION,
LARGE UROLOGY GROUP PRACTICE ASSOCIATION, AND THE
ORTHOFORUM OF INTENTION TO PARTICIPATE AS *AMICI CURIAE*
IN SUPPORT OF APPELLANT AND REVERSAL**

Consistent with D.C. Circuit Rule 29(b), the Digestive Health Physicians Association, Large Urology Group Practice Association, and The OrthoForum hereby provide notice of their intention to participate as *amici curiae* in support of Appellant and reversal of the District Court’s judgment.

CONSENT TO FILE

Pursuant to Federal Rule of Appellate Procedure 29(a)(2) and D.C. Circuit Rule 29(b), *amici curiae* state that all parties to this proceeding have consented to their participation as *amici curiae*.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, *amici curiae* state as follows:

1. Digestive Health Physicians Association has no parent corporation, and no publicly traded company owns 10% or more of its stock.
2. Large Urology Group Practice Association has no parent corporation, and no publicly traded company owns 10% or more of its stock.
3. The OrthoForum has no parent corporation, and no publicly traded company owns 10% or more of its stock.

Amici curiae are trade associations representing approximately 350 independent physician practices made up of nearly 8,000 physicians in the fields of gastroenterology, urology and orthopaedic surgery.

Date: January 24, 2020

Respectfully Submitted,

/s/ Howard R. Rubin
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Notice of Intention to Participate as *Amici Curiae*, Consent to File, and Corporate Disclosure Statement 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 on January 24, 2020.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Robert T. Smith
Robert T. Smith
Counsel for Amici Curiae