

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

UNIVERSITY OF KANSAS HOSPITAL)	
AUTHORITY, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. 1:20-cv-75-JDB
)	
ALEX M. AZAR II,)	
in his official capacity as Secretary of)	
Health and Human Services,)	
)	
<i>Defendant.</i>)	
)	

Case No. 1:20-cv-75-JDB

JOINT STATUS REPORT

Pursuant to this Court’s minute order of June 5, 2020, the Plaintiffs, University of Kansas Hospital Authority, *et al.*, and the Defendant, Alex M. Azar II, Secretary of Health & Human Services (together, the “Parties”), by counsel, respectfully submit this joint status report.

1. On June 5, 2020, this Court entered a minute order directing that “all further proceedings in this case are STAYED pending a final decision by the D.C. Circuit in the consolidated cases *American Hospital Association v. Azar*, No. 19-5352 (D.C. Cir.); *University of Kansas Hospital v. Azar*, No. 19-5353 (D.C. Cir.); and *Hackensack Meridian Health v. Azar*, No. 19-5354 (D.C. Cir.)”
2. On July 17, 2020, the D.C. Circuit reversed the district court’s judgments in favor of the plaintiffs in the above-referenced cases, concluding that the court lacked jurisdiction over plaintiffs’ claims. *American Hospital Association v. Azar*, --- F.3d ---, 2020 WL 4032809 (D.C. Cir. July 17, 2020).
3. A petition for rehearing would be due to be filed in the court of appeals on or before August 31, 2020. The Plaintiffs here, which are also plaintiff-appellees in the

proceedings in the court of appeals, are currently evaluating whether to seek rehearing before the court of appeals.

4. In light of the current state of the appellate proceedings, the Parties agree that it would be appropriate for this Court to continue the stay of this case and to instruct the parties to file an additional joint status report on or before September 14, 2020.

WHEREFORE, the parties respectfully request that the Court leave the current stay of proceedings in place and require the parties to file a joint status report on or before September 14 2020.

Dated: July 31, 2020

Respectfully submitted,

/s/ Joel McElvain

Joel McElvain (D.C. Bar No. 448431)
Mark D. Polston (D.C. Bar No. 431233)
Christopher P. Kenny (D.C. Bar No. 991303)
Nikesh Jindal (D.C. Bar No. 492008)
Michael LaBattaglia (D.C. Bar No. 1601580)
KING & SPALDING LLP
1700 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006
202.626.2929 (phone)
202.626.3737 (fax)
JMcElvain@kslaw.com

Counsel for Plaintiffs

ETHAN P. DAVIS
Acting Assistant Attorney General

MICHELLE R. BENNETT
Assistant Branch Director

/s/ Bradley P. Humphreys
BRADLEY P. HUMPHREYS
(D.C. Bar No. 988057)
Trial Attorney, U.S. Department of
Justice Civil Division, Federal Programs
Branch 1100 L Street, N.W.
Washington, D.C. 20005
Tel.: (202) 305-0878
Fax: (202) 616-8470
E-mail: Bradley.Humphreys@usdoj.gov

Counsel for Defendant

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Case No. 1:20-cv-75-JDB

[PROPOSED] ORDER

Upon consideration of the Parties' joint status report, IT IS HEREBY ORDERED that this case shall continue to be STAYED pending further order of this Court, and

IT IS FURTHER ORDERED that the Parties shall file a joint status report on or before September 14, 2020.

Dated: _____

Hon. John D. Bates
United States District Judge