

[ORAL ARGUMENT NOT YET SCHEDULED]

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

WHITMAN-WALKER CLINIC,
INC., et al.,

Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN
SERVICES, et al.,

Defendants-Appellants.

No. 20-5331

PRELIMINARY STATEMENT OF ISSUES TO BE RAISED

Potential issues for consideration on appeal include:

- (1) Whether plaintiffs have standing to challenge the Department of Health and Human Services' 2020 Rule implementing Section 1557 of the Affordable Care Act.
- (2) Whether the 2020 Rule is arbitrary or capricious.
- (3) Whether the district court abused its discretion by granting relief beyond what is necessary to remedy plaintiffs' harm.

Respectfully submitted,

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

CHARLES W. SCARBOROUGH

/s/ Joshua Dos Santos

JOSHUA DOS SANTOS
Attorney, Appellate Staff
Civil Division, Room 7243
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 353-0213
Joshua.y.dos.santos@usdoj.gov

NOVEMBER 2020

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2020, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. The participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Joshua Dos Santos
JOSHUA DOS SANTOS
Counsel for Appellants