

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff-Appellant,
v.
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES et al.,
Defendants-Appellees.

No. 21-1076

**STATUS REPORT AND CONSENT MOTION
TO CONTINUE TO HOLD APPEAL IN ABEYANCE**

On September 1, 2021, this Court granted defendants-appellees' motion to hold this appeal in abeyance for an additional 90 days, until November 30, 2021, to give them time to review and evaluate the issues in this case. The Court directed defendants to file a status report on or before November 30, 2021.

Defendants continue to evaluate the issues raised in this case. In order to allow time for a full evaluation of regulatory and policy options, defendants respectfully request that the Court continue to hold the appeal in abeyance, with status reports due at 90-day intervals. We have consulted with counsel for the Commonwealth of Massachusetts, who have consented to this abeyance motion. The parties have agreed

that either party may move to terminate the abeyance at any time by filing a motion seeking such relief.

Respectfully submitted,

SHARON SWINGLE

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November 30, 2021

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g), I hereby certify that this motion complies with the requirements of Rule 27(d)(1)(E) because it has been prepared in 14-point Century Schoolbook, a proportionally spaced font, and that it complies with the type-volume limitation of Rule 27(d)(2)(A), because it contains 136 words, according to the count of Microsoft Word.

/s/ Lowell V. Sturgill Jr.
Lowell V. Sturgill Jr.

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2021, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the First 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/ Lowell V. Sturgill Jr.
Lowell V. Sturgill Jr.