

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 June 9, 2022, this Court granted defendants-appellees' motion to hold this appeal in abeyance for an additional 90 days from that date 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 the end of that 90-day period concerning the further conduct of this appeal.

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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September 7, 2022

## **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 157 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 September 7, 2022, 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.