

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 19-5048****September Term, 2018****1:18-cv-02084-RC****Filed On:** July 30, 2019

American Hospital Association, et al.,

Appellees

v.

Alex Michael Azar, II, in his official capacity  
as the Secretary of Health and Human  
Services and United States Department of  
Health and Human Services,

Appellants

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**No. 19-5198****1:18-cv-02084-RC**

American Hospital Association, et al.,

Appellees

v.

Alex Michael Azar, II, in his official capacity  
as the Secretary of Health and Human  
Services and United States Department of  
Health and Human Services,

Appellants

**BEFORE:** Griffith, Wilkins, and Katsas, Circuit Judges**ORDER**

Upon consideration of the motion to consolidate and the motion to expedite, it is

**ORDERED** that the motion to consolidate be granted and the above captioned cases be consolidated. It is

**United States Court of Appeals**

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 19-5048****No. 19-5198****September Term, 2018**

**FURTHER ORDERED** that the following briefing schedule will apply:

Appellants' Brief	September 3, 2019
Appendix	September 3, 2019
Appellees' Brief	September 24, 2019
Appellants' Reply Brief	October 11, 2019

Extensions of these deadlines will not be granted absent exceptional circumstances.

The Clerk is directed to calendar these consolidated cases for oral argument on the first available date following the completion of briefing. The parties will be notified later of the oral argument date and the composition of the merits panel.

All issues and arguments must be raised by appellants in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief.

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 41 (2018); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

**Per Curiam****FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/  
Laura Chipley  
Deputy Clerk

# United States Court of Appeals

District of Columbia Circuit  
Washington, D.C. 20001-2866

Mark J. Langer  
Clerk

(202) 216-7300

## NOTICE TO COUNSEL:

### SCHEDULING ORAL ARGUMENT

The court has entered an order setting a briefing schedule in a case in which you are counsel of record. Once a briefing order has been entered, the case may be set for oral argument.

You will be notified by separate order of the date and time of oral argument. Once a case has been calendared, the Clerk's Office cannot change the argument date, and ordinarily the court will not reschedule it. Any request to reschedule must be made by motion, which will be presented to a panel of the court for disposition. The court disfavors motions to postpone oral argument and will grant such a motion only upon a showing of "extraordinary cause." See D.C. Cir. Rule 34(g).

If you are the arguing counsel, and you will be unavailable to appear for oral argument on a date in the future, so advise the Clerk's Office by letter, filed electronically. The notification should be filed as soon as possible and updated if a potential scheduling conflict arises later, or if there is any change in availability. To the extent possible, the Clerk's Office will endeavor to schedule oral argument to avoid conflicts that have been brought to the court's attention in advance. See D.C. Circuit Handbook of Practice and Internal Procedures at IX.A.1, XI.A.

Counsel must notify the court when serious settlement negotiations are underway, when settlement of the case becomes likely, and when settlement is reached. Such notice allows for more efficient allocation of judicial resources. Additionally, counsel should promptly notify the court if settlement negotiations are terminated. Notice must be given in an appropriate motion or by letter to the Clerk at the earliest possible moment. See, e.g., D.C. Circuit Handbook of Practice and Internal Procedures at X.D., XI.A.