

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

CITY OF COLUMBUS, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., *et al.*,

Defendants.

Case No. 1:26-cv-2215

JOINT MOTION TO ENTER BRIEFING SCHEDULE

Plaintiffs and Defendants have conferred in good faith about the proceedings in this matter and jointly and respectfully move for a scheduling order setting a briefing schedule for Plaintiffs' Motion for Stay under 5 U.S.C. § 705, or in the Alternative, for Preliminary Injunction, ECF No.

17. In support of this joint motion, the parties state as follows:

1. This case concerns an Administrative Procedure Act ("APA") challenge to multiple provisions of a Centers for Medicare & Medicaid Services final rule, "Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameters for 2027; and Basic Health Program," 91 Fed. Reg. 29,256 (May 20, 2026).

2. Plaintiffs filed their Complaint on June 3, 2026, ECF No. 1, and filed a motion for preliminary relief the next day ("Stay Motion"), ECF No. 17.

3. The parties have since conferred, through counsel, regarding future proceedings in this case. Based on those discussions, the parties respectfully request that the Court enter a scheduling order setting the following deadlines:

a. Defendants shall file an opposition to the Stay Motion by June 22, 2026; and

b. Plaintiffs shall file a reply in support of the Stay Motion by July 2, 2026.

4. Plaintiffs further request a hearing on Plaintiffs' Stay Motion during the week of July 6-10, to provide this Court sufficient time to issue a decision before the challenged rule is scheduled to take effect on July 20. Defendants take no position on Plaintiffs' request for a hearing but stand ready to appear if the Court would find one helpful.

5. A proposed order reflecting the relief requested herein is attached.

Dated: June 12, 2026

/s/ Cortney Robinson Henderson
Joel McElvain (Bar No. 31673)
Cortney Robinson Henderson (Bar No. 31968)
Christine L. Coogle (Bar No. 21846)
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C. 20043
(202) 935-2082
jmcelvain@democracyforward.org
crhenderson@democracyfoward.org
ccoogle@democracyfoward.org

Counsel for Plaintiffs

Respectfully submitted,

BRETT SHUMATE
Assistant Attorney
General Civil Division

ERIC B. BECKENHAUER
Assistant Director
Federal Programs Branch

/s/ Jordan A. Hulseberg
JORDAN A. HULSEBERG
D.C. Bar No. 90033542
Trial Attorney
United States Department of Justice
Civil Division,
Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Phone: (202) 598-3856
Fax: (202) 616-8470
Email: jordan.a.hulseberg2@usdoj.gov

Counsel for Defendants