

Counsel for the parties, having reviewed the record and the Court's various rulings in this matter, concur that the Court has fully disposed of all claims raised by the parties and placed into issue through the pleadings.¹

Additionally, the parties wish to present the additional statements:

Plaintiffs: Plaintiffs respectfully request that the Court reconsider its August 4, 2016 ruling (ECF No. 34) insofar as that ruling dismissed Plaintiffs' request for the return of HIPF monies paid by dismissing Count VII, and part of Count X, of the First Amended Complaint (ECF No. 19). As the Court explained in its March 5, 2018 ruling (ECF No. 88), Plaintiffs "have no alternative remedy" for their claims "and therefore fall under the" *South Carolina v. Regan*, 465 U.S. 367 (1984) "exception" to the Anti-Injunction Act. ECF No. 88 at 26. This exception vests the Court with jurisdiction over Plaintiffs' claim for relief in the form of a refund that was previously dismissed for lack of subject matter jurisdiction. ECF No. 34 at 21. Accordingly, Plaintiffs respectfully request that the Court reconsider its dismissal of their claim for a return of their money and grant Plaintiffs an opportunity for move for summary judgment on that claim.

Defendants: Defendants respectfully submit that they are considering their options for appeal of the Court's ruling and for seeking a stay pending such an appeal. *See* Fed. R. App. P. 4(a)(B)(i)–(iii). Defendants do not believe that this Court's March 5, 2018 order raises any grounds for reconsideration of its August 4, 2016 order dismissing Plaintiffs' refund claim. If Plaintiffs intend to seek reconsideration, however, Defendants respectfully submit that Plaintiffs should be required to file a motion seeking such relief, and further respectfully request that Defendants be afforded the opportunity to respond to such a motion. *See* Fed. R. Civ. P. 7(b)(1).

¹ Pursuant to Fed. R. Civ. P. 25(d), Alex M. Azar II and David J. Kautter are substituted as defendants in this action in their official capacities.

Respectfully submitted this the 14th day of March 2018,

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CERTIFICATE OF SERVICE

I certify that on the 14th day of March, 2018, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Austin R. Nimocks
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