

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. 18-1514

**REPLY IN SUPPORT OF
MOTION TO GOVERN FURTHER PROCEEDINGS**

The Commonwealth of Massachusetts agrees that this appeal is not moot and that it can and should continue. Accordingly, the federal defendants propose that briefing in this case resume and that the government's response brief be due January 9, 2019.

We have contacted counsel for Massachusetts, who have authorized us to state that they agree to this proposed deadline.

Respectfully submitted,

SHARON SWINGLE

LOWELL V. STURGILL JR.

/s/ Karen Schoen

KAREN SCHOEN

Attorneys, Appellate Staff

Civil Division, Room 7533

U.S. Department of Justice

950 Pennsylvania Avenue N.W.

Washington, D.C. 20530

(202) 514-3159

karen.a.schoen@usdoj.gov

DECEMBER 2018

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 70 words, according to the count of Microsoft Word.

/s/ Karen Schoen

Karen Schoen

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2018, 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/ Karen Schoen

Karen Schoen