

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

NEW MEXICO HEALTH)
 CONNECTIONS,)
)
 Plaintiff,)
)
 v.)
)
 UNITED STATES DEPARTMENT OF)
 HEALTH AND HUMAN SERVICES,)
et al.,)
)
 Defendants.)
 _____)

No. 1:16-cv-00878 JB/JHR

DEFENDANTS’ NOTICE OF APPEAL

PLEASE TAKE NOTICE that all Defendants—United States Department of Health and Human Services; Centers for Medicare and Medicaid Services; Alex M. Azar, II, Secretary of the United States Department of Health and Human Services, in his official capacity; and Seema Verma, Administrator for the Centers for Medicare and Medicaid Services, in her official capacity¹—hereby appeal to the United States Court of Appeals for the Tenth Circuit from (i) the Memorandum Opinion and Order issued February 28, 2018, ECF No. 55, (ii) the Final Judgment issued February 28, 2018, ECF No. 56, and (iii) the Memorandum Opinion and Order issued October 19, 2018, ECF No. 90, and from all orders antecedent to such orders and judgment and thus incorporated therein.

Dated: December 14, 2018

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

¹ Secretary Azar and Administrator Verma were automatically substituted as Defendants in this litigation by operation of Fed. R. Civ. P. 25(d).

DIANE KELLEHER
Assistant Branch Director

/s/ James Powers

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2018, I caused the foregoing document to be served on counsel for plaintiff by filing with the court's electronic case filing system.

/s/ James Powers
James R. Powers