

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA,
Plaintiff,
v.
ALEX AZAR, et al.,
Defendants.

Case No. [19-cv-01184-EMC](#)

RELATED TO

Case No. [19-cv-01195-EMC](#)

ESSENTIAL ACCESS HEALTH, INC., et
al.,
Plaintiffs,
v.
ALEX M. AZAR II, et al.,
Defendants.

**ORDER RE SUPPLEMENTAL
SUBMISSIONS**

In opposition to Plaintiffs’ motions for preliminary injunction, Defendants argue that Plaintiffs have waived their Administrative Procedures Act challenge to the Final Rule based on Section 1554 of the Affordable Care Act, because Plaintiffs “never allege that they (or any other party) raised any purported inconsistency between the Rule and Section 1554 during the rulemaking process.” Docket No. 61 at 20. Each party is hereby **ORDERED** to file a brief submission identifying the portions of the available administrative record that would inform the

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waiver issue, and attach as necessary any relevant portions of the record that have not already been filed. The submissions are due by **4:00 p.m. PDT on April 17, 2019.**

IT IS SO ORDERED.

Dated: April 15, 2019



EDWARD M. CHEN
United States District Judge

United States District Court
Northern District of California