

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

SAMUEL PHILBRICK, et al.,

Plaintiffs,

v.

ALEX M. AZAR II, et al.

Defendants.

Civil Action No. 1:19-cv-00773 (JEB)

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Defendants, Alex M. Azar II, in his official capacity as Secretary of Health and Human Services; Seema Verma, in her official capacity as Administrator of the Centers for Medicare & Medicaid Services; the United States Department of Health and Human Services; and the Centers for Medicare & Medicaid Services, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from this Court's Memorandum Opinion and Order granting Plaintiffs' Motion for Summary Judgment, denying Defendants' Cross-Motions for Summary Judgment and Motion to Dismiss, vacating the Secretary's approval of the Granite Advantage Program, and remanding to the agency, both entered on July 29, 2019, ECF Nos. 46, 47, and Order entering judgment on Count II of Plaintiffs' Complaint, entered on August 27, 2019, ECF No. 51 as well as all prior orders and decisions that merge into those.

Dated: October 25, 2019

Respectfully submitted,

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/s/ Matthew Skurnik

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