

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

_____	)	
SAMUEL PHILBRICK et al.,	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:19-CV-00773 (JEB)
	)	
ALEX M. AZAR et al.,	)	
Defendants.	)	
_____	)	

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that Defendant-Intervenor New Hampshire Department of Health and Human Services appeals to the United States Court of Appeals for the District of Columbia Circuit from this Court’s Memorandum Opinion and Order [ECF Doc. Nos. 46 & 47] granting Plaintiffs’ Motion for Summary Judgment, denying Defendants’ cross-motions for summary judgment, vacating the Secretary’s approval of the Granite Advantage Program, and remanding to the agency, both enter on July 29, 2019, ECF Doc. Nos. 46 & 47, and Order entering judgment on Count II of the Plaintiffs’ Complaint, entered on August 27, 2019, ECF Doc. No. 51, as well as all prior orders and decisions that merge into those.

Respectfully submitted,

NEW HAMPSHIRE DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

By its attorney,

GORDON J. MACDONALD  
ATTORNEY GENERAL

Dated: October 25, 2019

/s/ Anthony J. Galdieri  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the representatives of all other parties in the case.

/s/ Anthony J. Galdieri  
Anthony J. Galdieri