

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

MAYOR AND CITY COUNCIL OF BALTIMORE,

*Plaintiff,*

v.

ALEX M. AZAR II, in his official capacity as the Secretary of Health and Human Services; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; DIANE FOLEY, M.D., in her official capacity as the Deputy Assistant Secretary, Office of Population Affairs; OFFICE OF POPULATION AFFAIRS,

*Defendants.*

Case No. 1:19-cv-01103

**PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

The Mayor and City Council of Baltimore (“Baltimore City”) hereby respectfully requests, pursuant to Federal Rule of Civil Procedure 56, that the Court grant summary judgment in Baltimore City’s favor, vacate the challenged Rule entitled *Compliance With Statutory Program Integrity Requirements*, 84 Fed. Reg. 7714 (Mar. 4, 2019), and enter an order awarding appropriate equitable relief. As explained in the accompanying memorandum in support of this Motion, the Rule is contrary to law, arbitrary and capricious, and was promulgated without observance of procedures required by law.

Dated: November 1, 2019

Respectfully submitted,

By: /s/ Andre M. Davis  
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*City Solicitor*

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the date of electronic filing.

/s/ Andre M. Davis

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