

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

PLANNED PARENTHOOD OF
MARYLAND, INC., *et al.*,

Plaintiffs,

v.

ALEX M. AZAR II, Secretary of the United
States Department of Health and Human
Services, in his official capacity, *et al.*,

Defendants.

Case No. CCB-20-00361

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs Planned Parenthood of Maryland, Inc., Kirsty Hambrick, Rebecca Barson, Mariel DiDato, and Tanja Hollander hereby move for summary judgment in this Administrative Procedure Act (“APA”) case, which challenges a rule adopted by the U.S. Department for Health and Human Services and the Centers for Medicare and Medicaid Services. *See* Patient Protection and Affordable Care Act; Exchange Program Integrity, Final Rule, 84 Fed. Reg. 71,674 (Dec. 27, 2019) (to be codified at 45 C.F.R. pts. 155, 156); Patient Protection and Affordable Care Act; Exchange Program Integrity, Notice of Correction, 85 Fed. Reg. 2,888 (Jan. 17, 2020). Summary judgment is appropriate because there is no genuine issue of disputed material fact and Plaintiffs are entitled to judgment as a matter of law. Plaintiffs, therefore, respectfully request that this Court: (1) enter summary judgment in their favor; (2) declare the Final Rule invalid under the APA; and (3) immediately set aside the Final Rule by vacating it to prevent its enforcement.

In support of this motion, Plaintiffs submit the accompanying Memorandum in Support of Plaintiffs’ Motion for Summary Judgment; the Declaration of Karen J. Nelson (Ex. A); the

Declaration of Kirsty Hambrick (Ex. B); the Declaration of Rebecca Barson (Ex. C); the Declaration of Mariel DiDato (Ex. D); the Declaration of Tanja Hollander (Ex. E); and a proposed order.

Respectfully submitted,

/s/ Andrew D. Freeman

(signed by Julie A. Murray with
permission of Andrew D. Freeman)
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