

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**MONTE A ROSE, JR., et al.,**

Plaintiffs,

v.

**ALEX M. AZAR II, et al.,**

Defendants.

Civil Action No. 1:19-cv-2848 (JEB)

**JOINT STATUS REPORT**

This Court ordered the parties to file a joint status report “indicating how they think the Court should proceed” in this case. March 20, 2020 Minute Order. Indiana respectfully requests, without opposition, that this Court stay proceedings in this case during the pendency of the national COVID-19 public health emergency. The parties provide their positions in more detail as follows.

***Plaintiffs.*** Without conceding the merits of their legal positions with respect to the legality of the project as a whole, the components of that project, or the ultimate relief that the Court should grant, the Plaintiffs do not oppose a stay of proceedings that ends on the date that the national COVID-19 public health emergency is declared to be over. And upon that end point, Plaintiffs request that the Court hold a scheduling conference at the earliest convenient time so that a final schedule can be established for deciding this case on the merits.

***Defendants.*** The state defendants, as noted, request a stay pending the national COVID-19 public health emergency to ensure that the Family and Social Services Administration’s Office of Medicaid Policy and Planning (OMPP) staff may remain focused on COVID-19-related matters. For example, OMPP staff are reviewing all state level operations to identify barriers to access and remove those for HIP members and uninsured individuals. OMPP is also changing dozens of state level

operational policies to prepare for the COVID-19 surge. OMPP staff must also review all new federal guidance, including under the CARES Act, which (among other things), requires system changes on continuation of benefits and ceasing terminations and stays on pending eligibility appeals where continued benefits are being provided. OMPP is also partnering with other state agencies to assist in their COVID-19 response efforts. These efforts are taking up the vast majority of OMPP staff across all divisions.

The federal defendants consent to a stay of proceedings until the national COVID-19 public health emergency is declared to be over. The state and federal defendants request that the Court order the parties to file another joint status report within 14 days of the emergency being declared over and reserve their right to seek a further stay if appropriate.

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By: /s/ Jane Perkins

Jane Perkins  
Catherine McKee  
Sarah Somers  
National Health Law Program  
200 N. Greensboro Street, Suite D-13  
Carrboro, NC 27510  
Phone: 919-968-6308 (x101)  
perkins@healthlaw.org  
mckee@healthlaw.org  
somers@healthlaw.org

/s/ Adam Mueller

Adam Mueller  
Amanda Hall  
Indiana Legal Services, Inc.  
151 N. Delaware St. #1850  
Indianapolis, IN 46204  
Phone: 317-829-3174  
adam.mueller@ilsa.net  
amanda.hall@ilsa.net

*Counsel for Plaintiffs*

JOSEPH H. HUNT  
Assistant Attorney General

DAVID M. MORRELL  
Deputy Assistant Attorney General

MICHELLE BENNETT  
Assistant Branch Director

/s/ Vinita B. Andrapalliyal  
VINITA B. ANDRAPALLIYAL  
MATTHEW SKURNIK (NY 5553896)  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W.  
Washington, DC 20005  
Tel: (202) 305-0845  
Email: [Vinita.b.andrapalliyal@usdoj.gov](mailto:Vinita.b.andrapalliyal@usdoj.gov)

*Counsel for the Federal Defendants*

CURTIS T. HILL, JR.  
Indiana Attorney General

By: /s/ Thomas M. Fisher

Thomas M. Fisher  
Solicitor General  
Kian J. Hudson  
Deputy Solicitor General  
Office of the Indiana Attorney General  
302 W. Washington St.  
Indiana Government Center South, 5th Floor  
Indianapolis, IN 46204-2770  
Phone: (317) 232-6255  
Fax: (317) 232-7979  
Email: Tom.Fisher@atg.in.gov  
Kian.Hudson@atg.in.gov

Caroline M. Brown  
Philip J. Peisch  
Brown & Peisch PLLC  
1233 20th St. NW, Suite 505  
Washington, D.C. 20036  
Phone: (202) 499-4258  
Email: cbrown@brownandpeisch.com  
ppeisch@brownandpeisch.com

*Counsel for Intervenor-Defendant  
Indiana Family and Social Services Administration*