

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

CITY OF COLUMBUS, et al. :  
:  
v. : Civil Action No. DKC 18-2364  
:  
NORRIS COCHRAN, in his :  
official capacity as Acting :  
Secretary of the Department of :  
Health and Human Services, et al :

**ORDER**

For the reasons stated in the foregoing Memorandum Opinion, it is this 4<sup>th</sup> day of March, 2021, by the United States District Court for the District of Maryland, ORDERED that:

1. The motions for leave to file as *amici curiae* (ECF Nos. 122 and 123) BE, and the same hereby are, GRANTED;

2. The motions for summary judgment filed (ECF Nos. 108 and 118) BE, and the same hereby ARE, GRANTED in part and DENIED in part;

3. The following provisions of the challenged rule, Notice of Benefit and Payment Parameters for 2019, 83 Fed. Reg. 16,930 (Apr. 17, 2018), are declared arbitrary-and-capricious and invalid under the Administrative Procedure Act, 5 U.S.C. § 706:

a. The second challenged provision, 83 Fed. Reg. at 17,024, codified at 45 C.F.R. § 156.230;

b. The fourth challenged provision, 83 Fed. Reg. at 16,974-75, codified at 45 C.F.R. § 155.20; and

c. The seventh challenged provision, 83 Fed. Reg. at 16,985, codified at 45 C.F.R. § 155.320(c);

4. The aforementioned provisions are hereby VACATED and REMANDED to the agency for additional action consistent with this Memorandum Opinion; and

5. The ninth challenged provision, 83 Fed. Reg. at 17,032-33, codified at 45 C.F.R. § 158.221, is declared contrary to law and arbitrary-and-capricious and invalid under the Administrative Procedure Act, 5 U.S.C. § 706 and is hereby VACATED;

6. The clerk will transmit copies of the Memorandum Opinion and this Order to counsel for the parties and CLOSE this case.

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/s/  
DEBORAH K. CHASANOW  
United States District Judge