

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

| | | |
|---|---|--------------------------|
| BAGLY, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| UNITED STATES DEPARTMENT |) | |
| OF HEALTH AND HUMAN SERVICES; |) | |
| |) | |
| NORRIS COCHRAN, in his official |) | |
| capacity as Acting Secretary of the U.S. |) | |
| Department of Health and Human Services; |) | C.A. No. 20-cv-11297-PBS |
| |) | |
| ROBINSUE FROHBOESE, in her official |) | |
| capacity as Acting Director, Office for Civil |) | |
| Rights, U.S. Department of Health and |) | |
| Human Services; and |) | |
| |) | |
| LIZ RICHTER, in her official capacity as |) | |
| Acting Administrator for the Centers for |) | |
| Medicare and Medicaid Services, U.S. |) | |
| Department of Health and Human Services; |) | |
| |) | |
| Defendants. |) | |
| |) | |

STATUS REPORT

Defendants United States Department of Health and Human Services (“HHS”); Norris Cochran, in his official capacity as Acting Secretary of the U.S. Department of Health and Human Services; Robinsue Frohboese, in her official capacity as Acting Director, Office for Civil Rights, U.S. Department of Health and Human Services; and Liz Richter, in her official capacity as Acting Administrator for the Centers for Medicare and Medicaid Services, U.S. Department of Health and

Human Services;¹ by and through undersigned counsel, respectfully submit this Status Report pursuant to this Court's Order dated January 26, 2021.

As previously addressed, new leadership began arriving at HHS and the U.S. Department of Justice on January 20, 2021, and this new leadership will be reassessing the issues that this case presents. HHS reports that it has not completed its reassessment. Defendants reiterate their view that a stay of proceedings that provides the Biden Administration time to complete its reassessment would be prudent. *See* Motion for a Stay of Proceedings, ECF No. 41.

Dated: March 17, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

MICHELLE R. BENNETT
Assistant Director, Federal Programs Branch

/s/ Liam C. Holland
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Counsel for Defendants

¹ Norris Cochran, Robinsue Frohboese, and Liz Richter, have been substituted for Alex M. Azar II, Roger Severino, and Seema Verma, respectively, as Defendants in this case pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.