

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

MAYOR AND CITY COUNCIL OF BALTIMORE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*

Defendants.

Case No. 1:19-cv-01103-RDB

JOINT STATUS REPORT

On June 1, 2021, in response to the Court’s April 5, 2021 Order, the parties reported that they were “considering how this case should proceed” in light of recent developments, including the Supreme Court’s dismissal of the petition for certiorari in this case and the Department’s proposal to rescind the rule at issue in this litigation. *See* ECF No. 127. The parties proposed to file an additional status report by June 11, 2021.

The parties have conferred and agree that further litigation of matters before this Court is unnecessary. The Court has previously dismissed Counts IV and X of Plaintiff’s ten-count complaint, entered judgment for Plaintiff on Counts VII and VIII, and entered judgment for Defendants on Counts III, V, VI, and IX. *See* ECF No. 74, 93, 94. All that remains are Counts I and II, and the parties agree that these claims can now be dismissed without prejudice. Accordingly, the parties respectfully request that the Court enter a final judgment order that dismisses Counts I and II without prejudice and memorializes the Court’s earlier orders dismissing

Counts IV and X without prejudice, entering final judgment for Plaintiff on Counts VII and VIII, and entering final judgment for Defendants on Counts III, V, VI, and IX.

Dated: June 11, 2021

/s/ Andrew Tutt

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