

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

BAGLY, *et al.*,

Plaintiffs,

v.

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

Defendants.

C.A. No. 20-cv-11297-PBS

**MOTION FOR VOLUNTARY REMAND**

Defendants United States Department of Health and Human Services; Xavier Becerra, in his official capacity as Secretary of the United States 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 Chiquita Brooks-Lasure, in her official capacity as Administrator for the Centers for Medicare and Medicaid Services, U.S. Department of Health and Human Services; respectfully submit this motion for a voluntary remand of the provisions of the Final Rule, Nondiscrimination in Health and Health Education Programs or Activities, 85 Fed. Reg. 37,160 (June 19, 2020), that remain subject to judicial review in the above-captioned matter. In support of the motion for voluntary remand, defendants file the accompanying memorandum of reasons.

Dated: September 15, 2022

Respectfully submitted,

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/s/ Liam C. Holland  
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*Attorneys for Defendants*

**CERTIFICATE PURSUANT TO LOCAL RULE 7.1(A)(2)**

I certify that, on August 25, 2021, and September 13-15, 2021, I conferred with J.A. Sagar, counsel for plaintiffs, and attempted in good faith to reach agreement on this motion. Plaintiffs oppose the relief requested in this motion.

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**[PROPOSED] ORDER**

Upon consideration of Defendants' Motion for Voluntary Remand, all briefs and other filings by the parties, and for good cause shown, it is hereby

ORDERED that the Defendants' motion is GRANTED; and it is further

ORDERED that the provisions of the Final Rule, Nondiscrimination in Health and Health Education Programs or Activities, 85 Fed. Reg. 37,160 (June 19, 2020), that are at issue in the above-captioned matter are hereby remanded to the United States Department of Health and Human Services for further administrative proceedings and the instant action is dismissed.

SO ORDERED

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE PATTI B. SARIS  
United States District Judge