



the Court's current injunction could be read to preclude HHS from bringing an enforcement action, and arguably from even *investigating* an alleged violation of Section 1557, even if HHS is unaware that the relevant entity is covered by the injunction. Contrary to Plaintiffs' suggestion, Defendants have *not* indicated that they intend to bring an enforcement action against any particular entity. They simply need clarity going forward, as required by Rule 65(d), to understand what conduct is and is not prohibited by the Court's order. Diligence in understanding this Court's order is not inconsistent with Defendants' jurisdictional arguments.

Plaintiffs are also wrong to argue that there has been any sort of "about-face." Pls.' Response at 1. Defendants specifically previewed in their supplemental brief on remand that, if the Court were to grant Plaintiffs' requested relief, Defendants would need either (1) to know the identities of Plaintiffs' members, or (2) to have in place "a mechanism for HHS to avoid the possibility of unknowingly violating any injunction." *See* Defs.' Supp. Br. at 21 n.3. It should therefore come as no surprise to Plaintiffs that Defendants seek to modify the Court's order.

Defendants respectfully ask that the Court grant their unopposed Rule 60(b) motion.

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Respectfully Submitted,

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