

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

BAGLY, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 20-cv-11297-PBS
	)	
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, <i>et al.</i>	)	
	)	
Defendants.	)	

**JOINT REPORT ON STATUS OF CROSS MOTIONS FOR SUMMARY JUDGMENT**

Plaintiffs and Defendants respectfully submit this Joint Report on the status of any motions for summary judgment and cross motions for summary judgment. The Parties state as follows:

1. Under this Court’s August 25, 2022, order, ECF No. 114, this Court stayed all proceedings until 30 days after a final rule associated with Docket ID Number HHS-OS-2022-0012 is published in the Federal Register. ECF No. 114.
  
2. On December 21, 2023, the United States Department of Health and Human Services (“HHS”) Office for Civil Rights submitted a final rule implementing Section 1557 of the Affordable Care Act to the Office of Information and Regulatory Affairs (“OIRA”) for review. HHS has not yet issued a final rule.
  
3. Plaintiffs intend to file a motion for summary judgment. The Parties jointly propose the following schedule for briefing Plaintiffs’ motion:

Plaintiffs File Motion for Summary Judgment	March 19, 2024
Defendants File Opposition to Plaintiffs’ Motion and Cross-Motion (if any)	May 3, 2024
Plaintiffs File Reply In Support of Motion and Opposition to Defendants’ Cross-Motion	May 24, 2024

Defendants File Reply In Support of Cross-Motion	June 14, 2024
The Parties File a Joint Appendix (containing all portions of the Administrative Record cited in their respective briefs)	July 15, 2024

4. The Parties reserve the right to seek an appropriate extension of any deadline in this proposed schedule for good cause shown. For example, in the event that the new final rule is issued during the timeline contemplated by this schedule, the Parties may make additional filings in reaction to the new final rule. Defendants represent that they anticipate suggesting mootness upon the issuance of the new final rule and may seek an extension of any deadline(s) so as to preserve judicial and party resources while the Court resolves the issue of mootness.

WHEREFORE, the Parties respectfully request that this Court enter an order granting the proposed briefing schedule.

Dated: March 15, 2024

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 15, 2024, this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

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