

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

AMERICAN HOSPITAL ASSOCIATION, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 14-CV-851-JEB
	)	
THOMAS E. PRICE, in his official capacity as	)	
SECRETARY OF HEALTH AND HUMAN	)	
SERVICES,	)	
	)	
Defendant.	)	

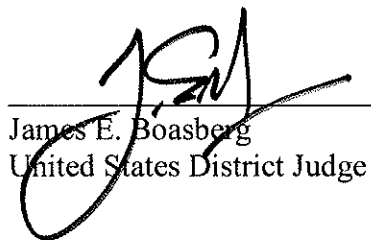
~~RECEIVED~~ **ORDER GOVERNING FURTHER PROCEEDINGS**

This matter has been remanded to the Court “to evaluate the merits of the Secretary’s claim that lawful compliance [with the Court’s mandamus order] would be impossible.” *American Hosp. Ass’n v. Price*, 867 F.3d 168, 170 (D.C. Cir. 2017). The Court having now held a status conference and having heard the positions of the parties, it is **ORDERED** that further proceedings be governed in accordance with the following schedule:

1. The Secretary will file a motion for summary judgment by October 26, 2017, addressing the question of “whether, in fact, lawful compliance with the timetable” set forth by the Court is “impossible.” *American Hosp. Ass’n*, 867 F.3d at 168.
2. Plaintiffs’ deposition of any Department of Health and Human Services declarant and the Secretary’s production of any documents underlying its contentions will be completed by November 30, 2017.
3. Plaintiffs will file a combined cross-motion for summary judgment and opposition to the Secretary’s motion for summary judgment by December 20, 2017.

4. The Secretary will file a combined reply in support of his summary-judgment motion and opposition to Plaintiffs' motion by January <sup>18,</sup> 2018.

5. Plaintiffs will file a reply in support of their motion by ~~January 25,~~ <sup>Feb. 2,</sup> 2018.



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James E. Boasberg  
United States District Judge

Dated: 9/28/17