



3. On June 11, 2014, this Court ordered that scheduling motion held in abeyance pending a further order of the Court. The motion this Court ordered held in abeyance is now moot because the first several proposed dates have passed.

4. Plaintiffs now respectfully ask that this Court set a schedule as follows:

Plaintiffs' re-filed Motion for Summary Judgment	July 18
Defendant's Cross-Motion/Opposition	August 15
Plaintiffs' Opposition/Reply	September 8
Defendant's Reply	September 29

5. That schedule would align the proceedings in this case with those in another, near-identical case pending before Judge Sullivan, *Shands Jacksonville Medical Center, Inc. v. Burwell*, No. 1:14-cv-00263-EGS.

6. Plaintiffs in *Shands* challenge the same 0.2 percent Medicare payment cut challenged in this case, based on many of the same legal theories and the same rulemaking record. *See Shands*, ECF No. 1. And Defendant's opposition to summary judgment in *Shands* is due on August 15 – the same date requested in the proposed schedule above.

7. Moreover, Plaintiffs filed their motion for summary judgment in this case on May 23, *see* ECF No. 7, and Defendant has had a copy of that motion since May 29. Defendant thus has had notice of Plaintiffs' legal arguments for six weeks. The re-filed motion that Plaintiffs anticipate filing once this Court orders a briefing schedule will be largely identical to the one already on file.

8. For both of these reasons, Defendants face no prejudice in proceeding on the briefing schedule set forth above: They have long been aware of Plaintiffs' arguments; they will

have nearly a month to respond to the re-filed brief; and they will be preparing a similar brief in the same time frame anyway.

WHEREFORE, Plaintiffs respectfully request that the Court grant this motion and enter the attached order.

Dated: July 14, 2014

Respectfully submitted,

/s/ Dominic F. Perella

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