

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

AMERICAN HOSPITAL ASSOCIATION, *et al.*,

Plaintiffs,

v.

SYLVIA M. BURWELL, in her official capacity as  
SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Defendant.

Civil Action No. 1:14-CV-851-JEB

**JOINT MOTION TO SET BRIEFING SCHEDULE**

Plaintiffs the American Hospital Association, Baxter Regional Medical Center, Covenant Health and Rutland Regional Medical Center (collectively, “Plaintiffs”) and Defendant Sylvia M. Burwell (“Defendant”) respectfully jointly submit the following proposed consolidated briefing schedule for Plaintiffs’ Motion for Summary Judgment and Defendant’s forthcoming Motion to Dismiss. In support of their motion, the parties state as follows:

1. Plaintiffs initiated this action on May 22, 2014 and filed a Motion for Summary Judgment on July 11, 2014.
2. On July 22, 2014, this Court granted Defendant’s Motion for an Extension of Time, permitting Defendant to file her response to both the Complaint and the Motion for Summary Judgment no later than September 11, 2014. Defendant intends to file a consolidated Motion to Dismiss Plaintiffs’ Complaint and a Response in Opposition to Plaintiffs’ Motion for Summary Judgment at that time.
3. Because the deadlines established by the Rules of the United States District Court for the District of Columbia (“Local Rules”) are different for opposition and reply briefs, the

parties have conferred regarding a briefing schedule for consolidated briefing of both dispositive motions.

4. The parties jointly propose that Plaintiffs file a consolidated Response in Opposition to Defendant's Motion to Dismiss and Reply in Support of Plaintiffs' Motion for Summary Judgment, not to exceed forty-five pages, no later than October 2, 2014. This proposal adheres to the page limit set forth in Local Rule 7(b) for opposition briefs, and adds just three additional business days to the briefing deadline for opposition briefs established by the Local Rules.

5. The parties jointly propose that Defendant then file a Reply in Support of her Motion to Dismiss no later than October 17, 2014. This proposal likewise adds just three additional business days to the briefing deadlines set forth in the Local Rules (in this instance, for reply briefs as set forth in Local Rule 7(d)).

6. The parties respectfully submit that this proposed schedule will streamline the parties' briefing, conserve judicial resources, and allow the case to move forward expeditiously.

Wherefore, good cause having been shown, Plaintiffs and Defendant respectfully request that the Court enter the attached Proposed Order, providing that Plaintiffs will file a consolidated Response in Opposition to Defendant's Motion to Dismiss and Reply in Support of Plaintiffs' Motion for Summary Judgment, not to exceed forty-five pages, no later than October 2, 2014 and Defendant will file a Reply in Support of her Motion to Dismiss no later than October 17, 2014.

Respectfully submitted,

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Dated: August 29, 2014

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