

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

THE AMERICAN HOSPITAL ASSOCIATION,
800 Tenth Street, NW, Suite 400
Washington, DC 20001, *et al.*,

Plaintiffs,

–v–

ERIC D. HARGAN, in his official capacity as the
Acting Secretary of Health and Human Services,
200 Independence Avenue, SW
Washington, DC 20201, *et al.*,

Defendants.

Case No. _____

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. 65 and Local Civil Rule 65.1, Plaintiffs American Hospital Association, Association of American Medical Colleges, America's Essential Hospitals, Eastern Maine Healthcare Systems, Henry Ford Health System, and Fletcher Hospital, Inc. d/b/a Park Ridge Health (collectively "Plaintiffs") respectfully move this Court for a preliminary injunction directing the Department of Health and Human Services ("HHS") and its Acting Secretary, Eric D. Hargan, (collectively "Defendants") not to implement certain provisions of a final rule issued by the Centers for Medicare and Medicaid Services ("CMS"), an agency within HHS, on November 1, 2017, pending resolution of this lawsuit, including any appeal. 82 Fed. Reg. 52,356 (Nov. 13, 2017). The provisions of the CMS rule at issue in this case are found at 82 Fed. Reg. 52,493-52,511 and 52,622-52,625.

In support of this motion, Plaintiffs submit the attached memorandum of law, Exhibits A-K, and a proposed order. Pursuant to Local Civil Rule 65.1(d), Plaintiffs respectfully request a

hearing on Plaintiffs' motion at the Court's earliest possible convenience and within 21 days after the filing of this motion as provided by Local Civil Rule 65.1(d).

Dated: November 13, 2017

Respectfully submitted,

/s/ Carlos T. Angulo

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