

JUDGMENT ISSUED AUGUST 11, 2017

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

AMERICAN HOSPITAL ASSOCIATION,
et al.,

Plaintiffs-Appellees,

v.

THOMAS E. PRICE, in his official capacity
as Secretary of Health and Human Services,

Defendant-Appellant.

No. 17-5018

**PLAINTIFFS' UNOPPOSED MOTION TO ISSUE THE MANDATE
FORTHWITH**

Plaintiffs the American Hospital Association (AHA) and certain of its member hospitals move for the Court to issue its mandate forthwith. Defendant Thomas E. Price does not oppose the motion.

1. The Court entered judgment in this case on August 11, 2017, vacating the District Court's mandamus order and directing further proceedings regarding whether it was possible for the Secretary to comply with the District Court's remedial measures.

2. Absent further action, the mandate would issue on October 2, 2017—52 days after the Court's judgment. *See* Fed. R. App. P. 40(a)(1), 41(b). But the

Court may issue the mandate earlier on a party's motion. *See* Fed. R. App. P. 41(b).

3. There is good cause to issue the mandate immediately in this case. Although AHA respectfully disagrees with the Court's opinion, it will not be seeking further review. As Judge Henderson noted, the Secretary's delays in resolving reimbursement appeals "are causing real-world problems." Slip op. 5 (Henderson, J., dissenting). Returning jurisdiction to the District Court for the further proceedings contemplated by the Court's opinion is the first step to resolving those problems through a new mandamus order.

4. The Secretary will not be prejudiced by issuing the mandate immediately because his counsel informs us that the Secretary does not oppose AHA's motion.

For the foregoing reasons, the motion should be granted.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limits of Fed. R. App. P. 27(d)(2) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 222 words.

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/s/ Catherine E. Stetson
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CERTIFICATE OF SERVICE

I certify that on September 11, 2017, the foregoing was electronically filed through this Court's CM/ECF system, which will send a notice of filing to all registered users.

/s/ Catherine E. Stetson
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