

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

|  |   |                                    |
|--|---|------------------------------------|
| AMERICAN HOSPITAL ASSOCIATION, <i>et al.</i> ,   | ) |                                    |
|  | ) |                                    |
| Plaintiffs,  | ) |                                    |
|  | ) | Civil Action No. 14-cv-00851 (JEB) |
| v.   | ) |                                    |
|  | ) |                                    |
| XAVIER BECERRA, in his official capacity as<br>Secretary of Health and Human Services, | ) |                                    |
|  | ) |                                    |
| Defendant.   | ) |                                    |

**DEFENDANT’S STATUS REPORT**

Pursuant to the Court’s 2018 Order (ECF No. 89), the Secretary of Health and Human Services (“HHS”) provides this status report to inform the Court that HHS has met the reduction target for FY 2021 (i.e., a 75% reduction) and is on track to meet the subsequent reduction target set forth in the Court’s November 1, 2018 Order. Attached to this status report as Exhibit 1 are statistics concerning, *inter alia*, the backlog of appeals at the Office of Medicare Hearings and Appeals (“OMHA”) as of the end of the third quarter of FY 2021. *See* Medicare Appeals Dashboard, Exhibit 1. By the end of the third quarter of 2021, a total of 86,063 appeals remain pending at OMHA, which is a reduction of over 79% from the starting number of appeals identified in the Court’s order (426,594 appeals).

Dated: September 28, 2021

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

JEAN LIN  
Special Litigation Counsel  
Federal Programs Branch

/s/ Justin M. Sandberg  
JUSTIN M. SANDBERG  
IL Bar No. 6278377  
Senior Trial Counsel  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, DC 20005  
Telephone: (202) 514-5838  
Facsimile: (202) 616-8202  
justin.sandberg@usdoj.gov  
*Counsel for Defendant*

Of Counsel:  
DANIEL J. BARRY  
Acting General Counsel  
JANICE L. HOFFMAN  
Associate General Counsel  
SUSAN MAXSON LYONS  
Deputy Associate General  
Counsel for Litigation  
KIRSTEN FRIEDEL RODDY  
*Attorneys*  
United States Department of Health and  
Human Services