

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-03526-JEB**

YOUNG et al v. AZAR et al
Assigned to: Judge James E. Boasberg

Cases: [1:18-cv-00152-JEB](#)
[1:18-cv-01900-JEB](#)
[1:19-cv-00773-JEB](#)
[1:19-cv-02848-JEB](#)

Date Filed: 11/22/2019
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: U.S. Government Defendant

Cause: 05:551 Administrative Procedure Act

Plaintiff

ANDREA YOUNG

represented by **Jane Perkins**
NATIONAL HEALTH LAW PROGRAM
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ATTORNEY TO BE NOTICED

Plaintiff

MARIA YAKOVCHIK

represented by **Jane Perkins**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JAMIE ARDEN
homeless

represented by **Jane Perkins**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

KATINA PETROPOULOS

represented by **Jane Perkins**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

ALEX M. AZAR, II
*Secretary, United States Department of
Health and Human Services, in his
official capacity*

represented by **Matthew Charles Skurnik**
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Defendant

SEEMA VERMA
*Administrator, Centers for Medicare and
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capacity*

represented by **Matthew Charles Skurnik**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Vinita B. Andrapalliyal
(See above for address)
*LEAD ATTORNEY
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Defendant

**UNITED STATES DEPARTMENT
OF HEALTH AND HUMAN
SERVICES**

represented by **Matthew Charles Skurnik**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Vinita B. Andrapalliyal
(See above for address)
*LEAD ATTORNEY
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Defendant

**CENTERS FOR MEDICARE AND
MEDICAID SERVICES**

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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Vinita B. Andrapalliyal
(See above for address)
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Movant

**MICHIGAN DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

represented by **Toni L. Harris**
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Amicus

**MICHIGAN ASSOCIATION OF
 HEALTH PLANS**

represented by **Barbara D. A. Eyman**
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Date Filed	#	Docket Text
11/22/2019	<u>1</u>	COMPLAINT against All Plaintiffs (Fee Status:Filing Fee Waived) filed by MARIA YAKOVCHIK, KATINA PETROPOULOS, JAMIE ARDEN, ANDREA YOUNG. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons, # <u>8</u> Summons)(Perkins, Jane) (Entered: 11/22/2019)
11/22/2019	<u>2</u>	NOTICE OF RELATED CASE by All Plaintiffs. Case related to Case No. 18-cv-00152; 18-cv-01900; 19-cv-00773; 19-cv-02848. (Perkins, Jane) (Entered: 11/22/2019)
11/22/2019		Payment for <u>1</u> Complaint,. (\$400; Receipt number ADCDC-6587099). (Perkins, Jane) (Entered: 11/22/2019)
11/25/2019		Case Assigned to Judge James E. Boasberg. (zsb) (Entered: 11/25/2019)
11/25/2019	<u>3</u>	SUMMONS (6) Issued Electronically as to ALEX M. AZAR, II, CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SEEMA VERMA, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 11/25/2019)
12/02/2019	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ALEX M. AZAR, II served on 12/2/2019 (Perkins, Jane) (Entered: 12/02/2019)
12/02/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. SEEMA VERMA served on 11/29/2019 (Perkins, Jane) (Entered: 12/02/2019)
12/02/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 12/2/2019 (Perkins, Jane) (Entered: 12/02/2019)
12/02/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTERS FOR MEDICARE AND MEDICAID SERVICES served on 11/29/2019 (Perkins, Jane) (Entered: 12/02/2019)
12/02/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/2/2019. (Perkins, Jane) (Entered: 12/02/2019)
12/02/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/2/2019. Answer due for ALL FEDERAL DEFENDANTS by 1/31/2020. (Perkins, Jane) (Entered: 12/02/2019)

12/30/2019	<u>10</u>	Joint MOTION for Briefing Schedule by JAMIE ARDEN, KATINA PETROPOULOS, MARIA YAKOVCHIK, ANDREA YOUNG (Perkins, Jane) (Entered: 12/30/2019)
01/02/2020	<u>11</u>	NOTICE of Appearance by Vinita B. Andrapalliyal on behalf of All Defendants (Andrapalliyal, Vinita) (Entered: 01/02/2020)
01/02/2020		MINUTE ORDER: The Court ORDERS that the parties shall appear for a Status Conference on January 9, 2020 at 11:00 a.m. in Courtroom 25. So ORDERED by Judge James E. Boasberg on 1/2/2020. (lcjeb1) (Entered: 01/02/2020)
01/02/2020	<u>12</u>	NOTICE of Appearance by Matthew Charles Skurnik on behalf of ALEX M. AZAR, II, CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SEEMA VERMA (Skurnik, Matthew) (Entered: 01/02/2020)
01/02/2020		Set/Reset Hearings: Status Conference set for 1/9/2020 at 11:00 AM in Courtroom 25A before Judge James E. Boasberg. (znbn) (Entered: 01/06/2020)
01/09/2020		Minute Entry for proceedings held before Judge James E. Boasberg: Status Conference held on 1/9/2020. The Court ORDERS the parties to submit a Joint Proposed Order by 1/14/2020. (Court Reporter Cathryn Jones) (nbn) (Entered: 01/09/2020)
01/14/2020	<u>13</u>	PROPOSED BRIEFING SCHEDULE by JAMIE ARDEN, KATINA PETROPOULOS, MARIA YAKOVCHIK, ANDREA YOUNG. (Perkins, Jane) (Entered: 01/14/2020)
01/14/2020	<u>14</u>	ORDER on the Briefing Schedule. Signed by Judge James E. Boasberg on 1/14/2020. (lcjeb1) (Entered: 01/14/2020)
01/14/2020		MINUTE ORDER: Given the Court's <u>14</u> Order on a briefing schedule, it ORDERS that Plaintiffs' <u>10</u> Motion is DENIED as moot. So ORDERED by Judge James E. Boasberg on 1/14/2020. (lcjeb1) (Entered: 01/14/2020)
01/14/2020		Set/Reset Deadlines: Administrative Record due by 1/24/2020. Notice due by 1/28/2020. Brief due by 2/25/2020. Responses due by 3/17/2020. Replies due by 3/31/2020. (nbn) (Entered: 01/14/2020)
01/24/2020	<u>15</u>	NOTICE of Filing of Certified Index of Administrative Record by ALEX M. AZAR, II, CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SEEMA VERMA (Attachments: # <u>1</u> Certified Index)(Andrapalliyal, Vinita) (Entered: 01/24/2020)
01/28/2020	<u>16</u>	NOTICE by ALEX M. AZAR, II, CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SEEMA VERMA re <u>14</u> Order (Andrapalliyal, Vinita) (Entered: 01/28/2020)
02/19/2020	<u>17</u>	NOTICE of Appearance by Toni L. Harris on behalf of MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (Harris, Toni) (Entered: 02/19/2020)
02/19/2020	<u>18</u>	NOTICE of Appearance by Caroline Montrose Brown on behalf of MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (Brown, Caroline) (Entered: 02/19/2020)
02/19/2020	<u>19</u>	NOTICE of Appearance by Philip J. Peisch on behalf of MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (Peisch, Philip) (Entered: 02/19/2020)
02/19/2020	<u>20</u>	Unopposed MOTION to Intervene & Incorporated Memorandum of Points & Authorities by MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (Harris, Toni) (Entered: 02/19/2020)
02/20/2020		MINUTE ORDER: The Court ORDERS that Intervenor's <u>20</u> Motion to Intervene is GRANTED, and it shall file briefs on the same schedule as the other parties to the case. So ORDERED by Judge James E. Boasberg on 2/20/2020. (lcjeb1) (Entered: 02/20/2020)
02/20/2020		NOTICE OF ERROR re <u>17</u> Notice of Appearance; emailed to harrist19@michigan.gov, cc'd 12 associated attorneys --- The PDF file you docketed contained errors: 1. Please update your address in PACER. (zttt,) (Entered: 02/20/2020)

		02/20/2020)
02/20/2020	<u>21</u>	Unopposed MOTION for Extension of Time to <i>File Briefs</i> by ALEX M. AZAR, II, CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SEEMA VERMA (Skurnik, Matthew) (Entered: 02/20/2020)
02/21/2020		MINUTE ORDER: The Court GRANTS the Federal Defendants' <u>21</u> Motion for Extension of Time and ORDERS that: 1) Federal Defendants shall file their opening brief by March 3, 2020; 2) Plaintiffs shall file any response by March 24, 2020; and 3) Federal Defendants shall file any reply by April 7, 2020. So ORDERED by Judge James E. Boasberg on 2/21/2020. (lcjeb1) (Entered: 02/21/2020)
02/21/2020		Set/Reset Deadlines: Brief due by 3/3/2020. Responses due by 3/24/2020. Replies due by 4/7/2020. (nbn) (Entered: 02/21/2020)
02/25/2020	<u>22</u>	MOTION for Partial Summary Judgment by MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Harris, Toni) (Entered: 02/25/2020)
03/03/2020	<u>23</u>	MEMORANDUM by MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Exhibit 1)(Harris, Toni) (Entered: 03/03/2020)
03/03/2020	<u>24</u>	MEMORANDUM by ALEX M. AZAR, II, CENTERS FOR MEDICARE AND MEDICAID SERVICES, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, SEEMA VERMA. (Skurnik, Matthew) (Entered: 03/03/2020)
03/04/2020		MINUTE ORDER: In light of the D.C. Circuit's recent decision in Gresham v. Azar, the Court ORDERS that: 1) Intervenor's <u>22</u> Motion for Partial Summary Judgment is GRANTED; 2) The Secretary's December 21, 2018, approval of the work and community–engagement requirements in the Healthy Michigan Plan Amended Demonstration Extension Application is VACATED; and 3) Once briefing is complete, the Court shall determine the validity of the remainder of the approval and all remedies. So ORDERED by Judge James E. Boasberg on 3/4/2020. (lcjeb1) (Entered: 03/04/2020)
03/16/2020	<u>25</u>	MOTION for Leave to File <i>Amicus Curiae Brief</i> by MICHIGAN ASSOCIATION OF HEALTH PLANS (Eyman, Barbara) (Entered: 03/16/2020)
03/16/2020		MINUTE ORDER: The Court GRANTS The Michigan Association of Health Plans' <u>25</u> Motion for Leave to File an Amicus Brief and ORDERS that it shall file the Amicus Brief by March 19, 2020. So ORDERED by Judge James E. Boasberg on 3/16/2020. (lcjeb1) (Entered: 03/16/2020)
03/16/2020		Set/Reset Deadlines: Amicus Brief due by 3/19/2020. (znbn) (Entered: 03/17/2020)
03/19/2020	<u>26</u>	Amicus Brief by MICHIGAN ASSOCIATION OF HEALTH PLANS. (Attachments: # <u>1</u> Exhibit Exhibit A)(Eyman, Barbara); Modified text and event on 3/20/2020 (zttt). (Entered: 03/19/2020)
03/24/2020	<u>27</u>	RESPONSE re <u>24</u> Memorandum, <u>23</u> Memorandum, <u>26</u> Memorandum filed by JAMIE ARDEN, KATINA PETROPOULOS, MARIA YAKOVCHIK, ANDREA YOUNG. (Perkins, Jane) (Entered: 03/24/2020)
04/02/2020	<u>28</u>	MOTION to Stay by MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Harris, Toni) (Entered: 04/02/2020)
04/02/2020		MINUTE ORDER: The Court GRANTS Intervenor Michigan Department of Health and Human Services' <u>28</u> Motion to Stay. The Court further ORDERS that the case is STAYED until the earlier of (1) the end of the COVID–19 public health emergency declared by Defendant Azar under Section 319 of the Public Health Service Act; or (2) 45 days before the date when Michigan begins to implement the premiums that are conditions of continued Medicaid eligibility or the healthy behavior requirements that are conditions of continued Medicaid eligibility. So ORDERED by Judge James E. Boasberg on 4/2/2020. (lcjeb1) (Entered: 04/02/2020)

04/02/2020	Case Stayed until the earlier of (1) the end of the COVID-19 public health emergency declared by Defendant Azar under Section 319 of the Public Health Service Act; or (2) 45 days before the date when Michigan begins to implement the premiums that are conditions of continued Medicaid eligibility or the healthy behavior requirements that are conditions of continued Medicaid eligibility. (nbn) (Entered: 04/03/2020)
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