UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
**George L. Russell, III**
United States District Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-4055

November 12, 2019

MEMORANDUM TO COUNSEL RE: Mayor and City Council of Baltimore v. Alex M. Azar, III, et al.
Civil Action No. GLR-19-01672

Dear Counsel:

Today, the Court convened a teleconference to discuss the Motion for Preliminary Injunction (ECF No. 14) and the Cross Motions for Summary Judgment (ECF Nos. 44, 50), considering the decision issued in New York v. U.S. Dep't of Health & Human Servs., 19 Civ. 4676, Dkt. 248 (S.D.N.Y. Nov. 6, 2019), invalidating the Rule at issue in this case.

The City conceded that it cannot, at this time, establish imminent, irreparable harm given the impact of the Southern District of New York's ruling. Accordingly, the City withdraws its Motion for Preliminary Injunction without prejudice. Counsel shall file a status report, within sixty days of the date of this Letter Order, indicating whether the Defendant intends to appeal the aforementioned ruling and the briefing and oral argument schedule of such an appeal. The Court will hold in abeyance its ruling on the Cross Motions for Summary Judgment, pending the outcome of any appellate proceedings. The November 14, 2019 and November 20, 2019 hearings are vacated.

Despite the informal nature of this memorandum, it shall constitute an Order of the Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/
George L. Russell, III
United States District Judge