United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5095 **September Term, 2018**

1:18-cv-00152-JEB

Filed On: April 19, 2019

Ronnie Maurice Stewart, et al.,

Appellees

v.

Alex Michael Azar, II, in his official capacity as Secretary of the United States Department of Health and Human Services, et al.,

Appellants

Commonwealth of Kentucky, ex rel. Matthew G. Bevin, Governor,

Appellee

Consolidated with 19-5097

BEFORE: Tatel, Millett, and Pillard, Circuit Judges

O R D E R

Upon consideration of the motion to expedite, the responses thereto, and the reply, it is

ORDERED that the motion be granted in part and denied in part. It is

FURTHER ORDERED that the following briefing schedule will apply:

Appellants' Brief(s)	May 14, 2019
Brief(s) of amicus curiae, if any, in support of appellants	May 21, 2019
Appellees' Brief	June 20, 2019
Brief(s) of amicus curiae, if any, in support of appellees	June 27, 2019
Appellants' Reply Brief(s)	July 18, 2019

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Deferred Appendix	July 25, 2019
Final Briefs	August 1, 2019

The Clerk is directed to schedule No. 19-5094, et al., and No. 19-5095, et al., for oral argument no later than October 2019, on the same day and before the same panel. The parties will be informed later of the date of oral argument and the composition of the merits panel.

The parties are advised that the court "looks with extreme disfavor on the filing of duplicative briefs in consolidated cases," see D.C. Circuit Handbook of Practice and Procedures 37 (2018), and the parties are encouraged to collaborate to avoid duplication of arguments in their briefs.

All issues and arguments must be raised by appellants in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief.

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 41 (2018); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

(202) 216-7300

NOTICE TO COUNSEL:

SCHEDULING ORAL ARGUMENT

The court has entered an order setting a briefing schedule in a case in which you are counsel of record. Once a briefing order has been entered, the case may be set for oral argument.

You will be notified by separate order of the date and time of oral argument. Once a case has been calendared, the Clerk's Office cannot change the argument date, and ordinarily the court will not reschedule it. Any request to reschedule must be made by motion, which will be presented to a panel of the court for disposition. The court disfavors motions to postpone oral argument and will grant such a motion only upon a showing of "extraordinary cause." See D.C. Cir. Rule 34(g).

If you are the arguing counsel, and you will be unavailable to appear for oral argument on a date in the future, so advise the Clerk's Office by letter, filed electronically. The notification should be filed as soon as possible and updated if a potential scheduling conflict arises later, or if there is any change in availability. To the extent possible, the Clerk's Office will endeavor to schedule oral argument to avoid conflicts that have been brought to the court's attention in advance. See D.C. Circuit Handbook of Practice and Internal Procedures at IX.A.1, XI.A.

Counsel must notify the court when serious settlement negotiations are underway, when settlement of the case becomes likely, and when settlement is reached. Such notice allows for more efficient allocation of judicial resources. Additionally, counsel should promptly notify the court if settlement negotiations are terminated. Notice must be given in an appropriate motion or by letter to the Clerk at the earliest possible moment. See, e.g., D.C. Circuit Handbook of Practice and Internal Procedures at X.D., XI.A.

Rev. March 2017