

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

GEORGIA COLLEGE OF EMERGENCY  
PHYSICIANS, *et al.*,

Plaintiffs,

V.

No. 1:21-cv-05267-MHC

U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, *et al.*,

Defendants.

## JOINT MOTION TO CONTINUE THE STAY OF PROCEEDINGS

The parties respectfully request that the Court stay proceedings in this case for an additional sixty (60) days. The reasons for this request are as follows:

1. In this case, Plaintiffs challenge portions of an interim final rule that implements aspects of the No Surprises Act. *See* Requirements Related to Surprise Billing; Part II, 86 Fed. Reg. 55,980 (Oct. 7, 2021).

2. There are similar challenges to the interim final rule pending in several other districts, including the Eastern District of Texas.

3. On February 23, 2022, the U.S. District Court for the Eastern District of Texas issued a judgment that vacated portions of the same interim final rule that

Plaintiffs challenge in this Court. *Tex. Med. Ass'n et al. v. Dept. of Health and Human Servs. et al.*, No. 6:21-CV-425-JDK, 2022 WL 542879, at \*15 (E.D. Tex. Feb. 23, 2022).

4. The Defendants have already taken comments from the public, and have begun preparing a final rule. The Defendants anticipate that a final rule will be issued in the coming weeks. That final rule will replace the portions of the interim final rule that Plaintiffs have challenged in this action, and that were also at issue in *Texas Medical Association*.

5. The Defendants filed a notice of appeal of the judgment in *Texas Medical Association*. The Defendants anticipate that the final rule will be issued before that appeal would be fully briefed or decided. The Fifth Circuit has granted the parties' request to stay that appeal in anticipation of the issuance of the final rule. *See Order, Tex. Med. Ass'n v. HHS*, No. 22-40264 (5th Cir. May 3, 2022).

6. In light of the vacatur of the interim final rule and the forthcoming final rule, the parties jointly moved for a stay of proceedings in this case for sixty days. This Court granted that motion. Order Granting Joint Motion for Stay, ECF No. 25.

7. For the same reasons, the parties jointly moved to continue the stay of proceedings in this case, first for an additional forty-five days, and then for an additional thirty days. This Court granted these motions as well. Order Granting Joint Motion for Stay, ECF No. 29; Order Granting Joint Motion for Stay, ECF No. 32.

8. The parties have conferred and have agreed that it would best serve the interests of efficiency and economy to continue the stay of proceedings in this case for an additional sixty days.

9. This Court has the inherent power to grant this request to continue the stay of proceedings. *See, e.g., Four Seasons Hotels & Resorts, B.V. v. Consorcio Barr S.A.*, 377 F.3d 1164, 1172 n.7 (11th Cir. 2004) (“[A] district court ... retains the inherent authority to issue a stay for the purposes of managing its own docket.”); *see also Life Ins. Co. of N. Am. v. Williams*, No. 1:15-cv-62, 2015 WL 10961833, at \*3 (N.D. Ga. May 22, 2015) (“District courts enjoy the authority to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for the litigants.”).

10. The parties also respectfully request that they be permitted to file a joint status report on or before September 16, 2022.

11. Accordingly, the parties respectfully request that the Court: (1) stay this case for an additional sixty (60) days; (2) enter an order instructing the parties to submit a joint status report on or before September 16, 2022.

12. A proposed order reflecting this proposal is attached.

Dated: July 13, 2022

Respectfully submitted,

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**PROPOSED ORDER GRANTING JOINT MOTION FOR STAY**

It is hereby ORDERED that the Joint Motion to Continue the Stay is hereby **GRANTED**, and this case is now stayed for an additional sixty (60) days.

It is further ORDERED that the parties shall file a Joint Status Report on or before September 16, 2022.

IT IS SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**THE HONORABLE MARK H. COHEN**

U.S.D.C. Northern District of Georgia Judge