

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

**MONTE A. ROSE, JR., *et al.*,**

**Plaintiffs,**

**v.**

**XAVIER BECERRA, Secretary of Health  
and Human Services, *et al.*,**

**Defendants.**

**Civil Action No. 19-2848 (JEB)**

**ORDER**

The Court ORDERS that Intervenor-Defendant's [69] Motion for Entry of Judgment Pursuant to Rule 54(b) is GRANTED in part and DENIED in part. Judgment as to Count I of the Supplemental Complaint was already entered in the Court's June 27, 2024, Order at ECF No. 67. As that filing already complies with Federal Rule of Civil Procedure 58(a), the Motion is denied to the extent that it requests another filing expressly labelled "Judgment."

While the Court believes its Order may currently be appealed, to allay Intervenor-Defendant's concern, it now expressly finds pursuant to Rule 54(b) that there is no just reason for delay of appellate review of that Order and its accompanying Memorandum Opinion. In assessing whether to grant a Rule 54(b) certification, courts consider "judicial administrative interests as well as the equities involved, including the relationship between the certified and uncertified claims and the potential for multiple appeals on the same issues." Attias v. CareFirst, Inc., 969 F.3d 412, 417 (D.C. Cir. 2020). Here, several uncertified claims (namely, Counts III–V) overlap with Count I insofar as the latter challenges the Secretary's approval of the HIP extension in its entirety while the former challenge discrete components of that approval. While,

this carries some risk that a future appeal may raise the same issues, the Court’s decision already affords full relief to Plaintiffs, which, if affirmed on appeal, would likely moot the remaining claims. That, along with the potential real-world impacts of the Court’s decision as set forth in Intervenor-Defendant’s [69] Motion at pages 2–3, provides a “sufficiently important reason for nonetheless granting certification.” Curtiss-Wright Corp. v. Gen. Elec. Co., 446 U.S. 1, 8 n.2 (1980). In short, the Court’s June 27, 2024, Memorandum Opinion and Order granting summary judgment for Plaintiffs on Count I are final and immediately appealable.

/s/ James E. Boasberg  
JAMES E. BOASBERG  
Chief Judge

Date: July 10, 2024