

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5293**September Term, 2019****1:19-cv-00773-JEB****Filed On: May 20, 2020**

Samuel Philbrick, on behalf of themselves and
all others similarly situated, et al.,

Appellees

v.

Alex M. Azar, II, Secretary, United States
Department of Health and Human Services, et
al.,

Appellants

New Hampshire Department of Health and
Human Services,

Appellee

Consolidated with 19-5295

BEFORE: Henderson and Rao, Circuit Judges, and Sentelle, Senior Circuit
Judge

ORDER

Upon consideration of the unopposed motion for summary affirmance, it is

ORDERED that the motion for summary affirmance be granted and the district court's order filed July 29, 2019, be affirmed. The federal appellants acknowledge that the disposition of this case is controlled by Gresham v. Azar, 950 F.3d 93 (D.C. Cir. 2020), and, accordingly, the merits of the parties' positions are so clear as to warrant summary action, see Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Manuel J. Castro

Deputy Clerk