



in the new year. *Am. Hosp. Ass'n v. Azar*, 895 F.3d 822 (D.C. Cir. 2018). Nor does it justify ignoring the fact that the Court's Order with respect to the 2019 Rule does not (and could not) extend to the 2020 Rule, meaning that there is no judgment to enforce as to the 2020 Rule. *See* Order, at 1, September 17, 2019, ECF No. 32. That is why, in a similar context involving Medicare payments for certain drug purchases, the American Hospital Association (AHA)—one of the Plaintiffs here—filed a motion to extend the Court's previous ruling with respect to the 2018 OPSS Rule to the 2019 OPSS Rule. *See AHA v. Azar*, 18-cv-2084 (DDC) (RC), Motion for a Permanent Injunction Covering the 2019 OPSS Rule, Feb. 11, 2019, ECF No. 35. In other words, AHA did not seek relief under the guise of a motion to enforce the earlier judgment, and it came to the Court only after satisfying the jurisdiction presentment requirement. All of that said, because of the tension adverted to earlier in this paragraph, following presentment of claims in early 2020, Defendant is amenable to litigating the matter expeditiously while still preserving Defendants' ability to appeal the Court's judgment as to the 2019 Rule, as well as any future decision with respect to the 2020 Rule.

With respect to scheduling, as noted above, there is no need for any briefing on Plaintiffs' proposed motion at this time, much less on an expedited schedule. But in any event, Plaintiffs provide no solid basis for allowing Defendant only one week to respond to Plaintiffs' proposed motion. The Local Rules afford the party responding to a motion 14 days to do so. L. Cv. R. 7(b). And Plaintiffs have not indicated that they intend to file a motion for emergency relief that would justify an expedited briefing schedule, L. Cv. R. 65.1(c), almost certainly because they cannot satisfy the irreparable harm requirement for such relief, given that only money is at stake. *See Taylor v. Resolution Trust Corp.*, 56 F.3d 1497, 1507 (D.C.Cir.1995) (holding that recoverable economic losses normally do not constitute irreparable harm). Plaintiffs should not

be allowed to get the benefits of emergency relief without meeting the demanding requirements for doing so.

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Respectfully submitted,

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