

IN THE SUPREME COURT OF THE UNITED STATES

Nos. 20-37 and 20-38

ALEX M. AZAR II, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.,
PETITIONERS

v.

CHARLES GRESHAM, ET AL.

STATE OF ARKANSAS, PETITIONER

v.

CHARLES GRESHAM, ET AL.

ON WRITS OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MOTION FOR LEAVE TO DISPENSE WITH
PREPARATION OF A JOINT APPENDIX

Pursuant to Rule 26.8 of the Rules of this Court, the Acting Solicitor General, on behalf of the Secretary of Health and Human Services, et al., respectfully seeks leave to dispense with the requirement of a joint appendix in these consolidated cases. The question presented is a question of law: Whether the Secretary acted within his statutory authority under 42 U.S.C. 1315(a) by approving "demonstration project[s]" in Arkansas's and New Hampshire's Medicaid programs that are designed to test certain work-related and other requirements that the Secretary determined are "likely to assist in promoting the objectives of" the Medicaid

program. Ibid.; see 20-37 Pet. I; 20-38 Pet. i. The opinions of the court of appeals and the district court, as well as the Secretary's letters approving the Arkansas and New Hampshire projects at issue, are included in the appendix to the government's petition for a writ of certiorari. See 20-37 Pet. App. 1a-106a, 129a-171a. In our view, no other portion of the record merits special attention such as would warrant the preparation and expense of a joint appendix, and preparation of a joint appendix would not materially assist the Court's consideration of the case. We are authorized to state that counsel of record for all other parties agree that a joint appendix is not necessary.

Respectfully submitted.

JEFFREY B. WALL
Acting Solicitor General
Counsel of Record

DECEMBER 2020