

No. 23-5301

---

*In the*  
**United States Court of Appeals**  
*for the*  
**District of Columbia Circuit**

---

HIV & HEPATITIS POLICY INSTITUTE, *et al.*,  
*Plaintiffs-Appellees-Cross-Appellants,*

– v. –

UNITED STATES DEPARTMENT OF HEALTH & HUMAN SERVICES, *et al.*,  
*Defendants-Appellants-Cross-Appellees,*

---

**JOINT STIPULATION TO DISMISS APPEAL NO. 23-5301**

---

Pursuant to Fed. R. App. P. 42(b)(1), the parties to this action hereby stipulate to the dismissal of Plaintiffs' cross-appeal, No. 23-5301, each side to bear its own costs and expenses for that appeal.

Dated: February 1, 2024

Respectfully submitted,

/s/ Paul W. Hughes

PAUL W. HUGHES

ANDREW A. LYONS-BERG

*McDermott Will & Emery LLP*

*500 North Capitol Street NW*

*Washington, DC 20001*

*(202) 756-8000*

*Counsel for Plaintiffs-Appellees-  
Cross-Appellants*

ALISA B. KLEIN

(202) 514-1597

/s/ Benjamin M. Shultz (with  
permission)

BENJAMIN M. SHULTZ

(202) 514-3518

Attorneys, Appellate Staff

Civil Division

U.S. Department of Justice

950 Pennsylvania Ave., N.W.

Room 7211

Washington, D.C. 20530

Benjamin.Shultz@usdoj.gov

*Counsel for Defendants-  
Appellants-Cross-Appellees*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 1, 2024, I electronically filed the foregoing with the Clerk of this Court using the CM/ECF system, and counsel for all parties will be served by the CM/ECF system.

Dated: February 1, 2024

/s/ Paul W. Hughes  
Paul W. Hughes