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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

13 CITY AND COUNTY OF SAN  
14 FRANCISCO,

15 Plaintiff,

16 vs.

17 ALEX M. AZAR II, et al.,

Defendants.

18 STATE OF CALIFORNIA, by and through  
19 ATTORNEY GENERAL XAVIER  
BECERRA,

20 Plaintiff,

21 vs.

22 ALEX M. AZAR II, et al.,

23 Defendants.

24 COUNTY OF SANTA CLARA et al.,  
Plaintiffs,

25 vs.

26 U.S. DEPARTMENT OF HEALTH AND  
27 HUMAN SERVICES, et al.,

28 Defendants.

No. C 19-02405 WHA  
*Related to*  
No. C 19-02769 WHA  
No. C 19-02916 WHA

**STIPULATED REQUEST FOR AN  
ORDER TO POSTPONE RULE’S  
EFFECTIVE DATE; HOLD  
PLAINTIFFS’ MOTIONS FOR A  
PRELIMINARY INJUNCTION IN  
ABEYANCE; AND SET SUMMARY  
JUDGMENT BRIEFING SCHEDULE  
[5 U.S.C. § 705]**

Hon. William Alsup  
Hearing: July 17, 2019, 8:00 a.m.

Phillip Burton Federal Building & United  
States Courthouse, Courtroom 12, 19th  
Floor,  
450 Golden Gate Ave., San Francisco, CA  
94102

1 Subject to the Court’s approval and pursuant to Local Civil Rules 6-2 and 7-12, the parties through  
2 their undersigned counsel of record HEREBY STIPULATE as follows:

- 3 1. At present, Defendants’ opposition to Plaintiffs’ motions for a preliminary injunction is due on  
4 July 1, 2019, Plaintiffs’ reply is due on July 8, 2019, and a hearing is scheduled on July 17, 2019.
- 5 2. The U.S. Department of Health and Human Services (HHS) stipulates to the requested  
6 postponement of the effective date of the rule titled Protecting Statutory Conscience Rights in  
7 Health Care; Delegations of Authority, 84 Fed. Reg. 23,170 (May 21, 2019) [hereinafter Final  
8 Rule], until November 22, 2019. HHS stipulates to this delay because it is the most efficient way  
9 to adjudicate the Final Rule on the merits. HHS does not concede that Plaintiffs are “likely to  
10 succeed on the merits, that [they are] likely to suffer irreparable harm in the absence of preliminary  
11 relief, that the balance of equities tips in [their] favor, [or] that an injunction is in the public  
12 interest.” *See Winter v. NRDC*, 555 U.S. 7, 20 (2008).
- 13 3. Plaintiffs maintain that—for the reasons expressed in their motions for a preliminary injunction  
14 and their opposition to Defendants’ motion to hold their motions for preliminary injunction in  
15 abeyance—they would suffer various irreparable injuries were the Rule’s effective date not  
16 postponed.
- 17 4. The parties request that the Court issue an order, pursuant to 5 U.S.C. § 705, that the effective date  
18 of the Final Rule is postponed until November 22, 2019.
- 19 5. The parties further request, in light of this postponement, that the Court hold Plaintiffs’ motions  
20 for a preliminary injunction in abeyance, vacate the preliminary injunction briefing schedule and  
21 hearing date set forth in its June 27, 2019 order, and enter the following schedule:
  - 22 a. July 22, 2019: HHS lodges the administrative record.
  - 23 b. September 5, 2019: Defendants file their motion for summary judgment.
  - 24 c. September 27, 2019: Plaintiffs file their opposition and cross-motion for summary  
25 judgment.
  - 26 d. October 11, 2019: Defendants file their reply and opposition.
  - 27 e. October 25, 2019: Plaintiffs file their reply.

f. November 7, 2019 (or another date that is convenient for the Court and that will permit a decision before November 22, 2019): The Court holds a hearing on the cross-motions.

Dated: June 28, 2019

Respectfully Submitted,

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*\*\*\*Application for admission pro hac vice in  
process.*

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. Pursuant to 5 U.S.C. § 705, the effective date of the Final Rule is postponed until November 22, 2019. Plaintiffs’ motions for a preliminary injunction are held in abeyance, the preliminary injunction briefing schedule and hearing date set forth in the Court’s June 27, 2019 order is vacated, and the schedule set forth in the above stipulation is entered. This order is without prejudice to the merits, which will be adjudicated following briefing on the parties’ cross-motions for summary judgment.

Dated: \_\_\_\_\_

\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

**RULE 5-1(i)(3) ATTESTATION**

I, Benjamin T. Takemoto, attest pursuant to Rule 5-1(i)(3) of the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California that I have obtained the concurrence in the filing of the above joint case management statement from Sara J. Eisenberg, counsel for the City and County of San Francisco, Neli N. Palma, counsel for the State of California, and Miriam R. Nemetz, counsel for the plaintiffs in *County of Santa Clara v. HHS*.

/s/ Benjamin T. Takemoto  
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