

1 JOSEPH H. HUNT
 2 Assistant Attorney General
 3 DAVID L. ANDERSON
 4 United States Attorney
 5 MICHELLE R. BENNETT
 6 Assistant Branch Director
 7 REBECCA M. KOPPLIN, CA BAR NO. 313970
 8 Trial Attorney
 9 United States Department of Justice
 10 Civil Division, Federal Programs Branch
 11 1100 L Street, NW
 12 Washington, DC 20005
 13 Tel: (202) 514-3953
 14 Fax: (202) 616-8470
 15 E-mail: Rebecca.M.Kopplin@usdoj.gov
 16 Counsel for Defendants

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 CITY AND COUNTY OF SAN FRANCISCO,)

14 Plaintiff,)

15 v.)

16 ALEX M. AZAR, II in his OFFICIAL)
 17 CAPACITY as SECRETARY of the U.S.)
 18 DEPARTMENT of HEALTH & HUMAN)
 19 SERVICES;, *et al.*,)

20 Defendants.)

) Case No.: 3:19-cv-02405-JCS

) **DEFENDANTS' RESPONSE TO**
) **ADMINISTRATIVE MOTION TO**
) **CONSIDER WHETHER CASES**
) **SHOULD BE RELATED**

) **[N. D. CAL. CIVIL L.R. 3-12 & 7-11]**

) Judge: Chief Magistrate Judge
) Joseph C. Spero

) Trial Date: None set
)
)

1 Pursuant to Civil L.R. 3-12(e) and Civil L.R. 7-11, Defendants hereby respond to the
2 Administrative Motion To Consider Whether Cases Should Be Related (ECF No. 13) filed by the
3 State of California. For the reasons stated here, Defendants agree that this case (*City and County*
4 *of San Francisco v. Azar*, 3:19-cv-02405-JCS (N.D. Cal.)) should be related to *State of California*
5 *v. Azar*, 3-19-02769-HSG (N.D. Cal.), and *County of Santa Clara v. U.S. Department of Health &*
6 *Human Services*, 5:19-cv-2916-HSG (N.D. Cal.).

7 Two actions are related under Civil L. R. 3-12(a) when they (1) “concern substantially the
8 same parties, property, transaction or event,” and (2) “[i]t appears likely that there will be an
9 unduly burdensome duplication of labor and expense or conflicting results if the cases are
10 conducted before different Judges.” This case, *State of California*, and *County of Santa Clara*
11 satisfy these criteria. Plaintiffs in all three cases challenge the same rule—Protecting Statutory
12 Conscience Rights in Health Care; Delegations of Authority, 84 Fed. Reg. 23170 (May 21,
13 2019)—that the Department of Health and Human Services Office for Civil Rights issued
14 concerning federal conscience-protection statutes. Because the plaintiffs in all three cases raise
15 similar claims against the defendants, there will likely be “an unduly burdensome duplication of
16 labor and expense” and there may be conflicting results if the cases are not related. *See* Civil L.R.
17 3-12(a). Accordingly, Defendants agree that *City and County of San Francisco v. Azar*, 3:19-cv-
18 02405-JCS (N.D. Cal.), *State of California v. Azar*, 3-19-02769-HSG (N.D. Cal.), and *County of*
19 *Santa Clara v. U.S. Department of Health & Human Services*, 5:19-cv-2916-HSG (N.D. Cal.)
20 should be related.
21

22 Defendants note that they have not been served in this case. By filing this response to the
23 State of California’s administrative motion in this case, Defendants do not intend—and do not in
24 fact—waive their right to service.
25
26
27

1 Dated: June 7, 2019

Respectfully submitted,

2 JOSEPH H. HUNT
Assistant Attorney General

3 MICHELLE R. BENNETT
Assistant Branch Director

4
5 /s/ Rebecca M. Kopplin
6 REBECCA M. KOPPLIN
Trial Attorney (California Bar No. 313970)
7 United States Department of Justice
Civil Division, Federal Programs Branch
8 1100 L Street, NW
Washington, DC 20005
9 Tel: (202) 514-3953
Fax: (202) 616-8470
10 E-mail: Rebecca.M.Kopplin@usdoj.gov

11 *Counsel for Defendants*