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Attorneys for Plaintiff State of California, by and
 9 *through Attorney General Xavier Becerra*

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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 15 **STATE OF CALIFORNIA, BY AND THROUGH**
ATTORNEY GENERAL XAVIER BECERRA,

4:19-cv-02769-HSG

16 Plaintiff,

**DECLARATION OF STEPHANIE YU IN
 SUPPORT OF PLAINTIFF STATE OF
 CALIFORNIA'S ADMINISTRATIVE
 MOTION TO SHORTEN TIME TO HEAR
 PLAINTIFF'S MOTION FOR
 PRELIMINARY INJUNCTION**

17 v.

18 **ALEX M. AZAR, IN HIS OFFICIAL CAPACITY**
AS SECRETARY OF THE U.S. DEPARTMENT OF
HEALTH & HUMAN SERVICES; U.S.
 20 **DEPARTMENT OF HEALTH AND**
HUMAN SERVICES; DOES 1-100,

Judge: Honorable Haywood S.
 Gilliam, Jr.
 Trial Date: None Set
 Action Filed: May 21, 2019

21 Defendants.
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1 I, Stephanie Yu, declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration. If called as a
3 witness, I could and would testify competently to the matters set forth below.

4 2. I am a Deputy Attorney General with the California Department of Justice, and am
5 counsel of record for Plaintiff the State of California in this matter.

6 3. On June 4, 2019, Plaintiff California filed a Motion for Preliminary Injunction (PI
7 Motion) seeking to prevent Defendants from implementing a harmful Final Rule that would allow
8 virtually any healthcare worker to discriminate against patients and would lead to the loss of
9 billions of dollars of funding to California. Consistent with Local Rule 7-2 and Judge Gilliam's
10 hearing calendar, Plaintiff California noticed the PI Motion for a hearing to be held on October
11 10, 2019.

12 4. In the PI Motion, Plaintiff California asserts a likelihood of success on numerous
13 statutory and constitutional claims regarding Defendants' unlawful rulemaking.

14 5. In the PI Motion, Plaintiff also contends that it will experience irreparable harm in the
15 absence of preliminary relief by this Court for the pendency of this litigation. Plaintiff California
16 attaches to its PI Motion declarations describing the harm that is caused by Defendants' actions.

17 6. In the PI Motion, Plaintiff California asserts that the balance of equities tip in its favor
18 and that an injunction is in the public interest.

19 7. On June 4, 2019, I reviewed Judge Gilliam's calendar. The next available law and
20 motion date is October 10, 2019. For the reasons discussed in this declaration, in the motion to
21 shorten time, and in the PI motion and accompanying documents, Plaintiff will experience
22 substantial harm and prejudice due to the imminent implementation of the Final Rule, which is
23 schedule to go into effect on July 22, 2019. Thus, Plaintiff requests a hearing on the PI Motion to
24 take place on July 18, 2019, prior to the July 22, 2019 date.

25 8. On June 4, 2019, I notified Defendants over email and via telephone of its intention to
26 move to shorten time. Counsel for Defendants stated that they are considering their position.
27 Counsel then followed up by e-mail to tentatively agree to shorten time if Plaintiff would agree to
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1 Defendants' opposition being due on June 28. Discussions are ongoing and the parties will
2 continue to meet and confer on the issue to reach a stipulation.

3 9. Defendants have not filed a notice of appearance in this litigation, and thus, have yet
4 to present their position.

5 10. There have been no time modifications in this case, and no schedule has been set in
6 this case.

7 11. No schedule has been set in this case, so Plaintiff's Motion will have no impact on the
8 case's schedule.

9
10 I declare under penalty of perjury under the laws of the United States that the foregoing is
11 true and correct.

12 Executed on June 4, 2019, at Los Angeles, California.

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_____/s/Stephanie Yu_____
Stephanie Yu
Deputy Attorney General

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decl of S Yu in support of motion to shorten time.docx

CERTIFICATE OF SERVICE

Case Name: **STATE OF CALIFORNIA, by** No. **4:19-cv-02769-HSG**
and through ATTORNEY
GENERAL XAVIER
BECERRA
v. ALEX M. AZAR, Secretary
of the U.S. DEPARTMENT OF
HEALTH & HUMAN
SERVICES, et al.,

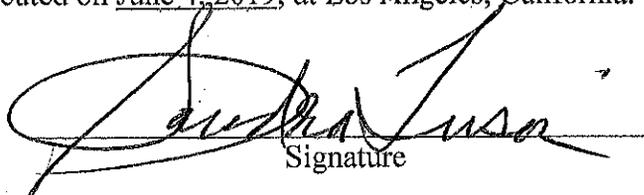
I hereby certify that on June 4, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DECLARATION OF STEPHANIE YU IN SUPPORT OF PLAINTIFF STATE OF CALIFORNIA'S ADMINISTRATIVE MOTION TO SHORTEN TIME TO HEAR PLAINTIFF'S MOTION FOR PRELIMINARY INUNCTION

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 4, 2019, at Los Angeles, California.

Sandra Tinson
Declarant



Signature