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Counsel for Plaintiffs

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

COUNTY OF SANTA CLARA, TRUST WOMEN
SEATTLE, LOS ANGELES LGBT CENTER,
WHITMAN-WALKER CLINIC, INC. d/b/a
WHITMAN-WALKER HEALTH, BRADBURY-
SULLIVAN LGBT COMMUNITY CENTER,
CENTER ON HALSTED, HARTFORD GYN
CENTER, MAZZONI CENTER, MEDICAL
STUDENTS FOR CHOICE, AGLP: THE
ASSOCIATION OF LGBTQ+ PSYCHIATRISTS,
AMERICAN ASSOCIATION OF PHYSICIANS
FOR HUMAN RIGHTS d/b/a GLMA: HEALTH
PROFESSIONALS ADVANCING LGBTQ
EQUALITY, COLLEEN MCNICHOLAS,
ROBERT BOLAN, WARD CARPENTER, SARAH
HENN, and RANDY PUMPHREY,

Plaintiffs,

vs.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES and ALEX M. AZAR, II, in
his official capacity as SECRETARY OF HEALTH
AND HUMAN SERVICES,

Defendants.

Case No. 5:19-cv-2916

**PLAINTIFFS' ADMINISTRATIVE
MOTION TO EXCEED PAGE
LIMITATION**

Hearing Date: No hearing scheduled
Magistrate Judge Nathanael M. Cousins

1 Plaintiffs County of Santa Clara, Trust Women Seattle, Los Angeles LGBT Center,
2 Whitman-Walker Clinic, Inc. d/b/a Whitman-Walker Health, Bradbury-Sullivan LGBT
3 Community Center, Center On Halsted, Hartford Gyn Center, Mazzone Center, Medical Students
4 For Choice, AGLP: The Association Of LGBTQ+ Psychiatrists, GLMA: Health Professionals
5 Advancing LGBTQ Equality, Colleen McNicholas, Robert Bolan, Ward Carpenter, Sarah Henn
6 and Randy Pumphrey (collectively “Plaintiffs”), by and through their attorneys, intend to move this
7 Court pursuant to Rule 65 of the Federal Rules of Civil Procedure and Civil Local Rules 7-2 and
8 65-2 for a preliminary injunction prohibiting Defendants from enforcing the Final Rule of the
9 Department of Health and Human Services (“HHS”) entitled Protecting Statutory Conscience
10 Rights in Health Care, 84 Fed. Reg. 23,170, 23,178 (May 21, 2019) (to be codified at 45 C.F.R. Pt.
11 88) (the “Final Rule”). The Final Rule was published on May 21, 2019 (*see* ECF No. 1-1), and is
12 scheduled to take effect on July 22, 2019.

13 The Rule is lengthy (103 pages) and complex. It has many problems, which are detailed in
14 Plaintiffs’ Complaint For Declaratory and Injunctive Relief. Plaintiffs are sixteen individuals and
15 entities, including a governmental entity (the County of Santa Clara) that owns healthcare facilities;
16 five private healthcare facilities that provide reproductive-health services and healthcare services
17 for LGBT individuals; four individual physicians and a licensed counselor who work for those
18 entities; three national associations of medical professionals; and two organizations that provide a
19 wide range of services to the LGBT community.

20 Under Civil Local Rule 7-2(b), Plaintiffs’ Motion for Preliminary Injunction (“Motion”) is
21 limited to 25 pages. However, given the length and complexity of the Final Rule, the number of
22 statutory and constitutional claims on which Plaintiffs intend to seek injunctive relief, and the
23 sixteen Plaintiffs asserting varied forms of irreparable harm, it will be extremely difficult to limit
24 the Motion to 25 pages while still presenting the facts and legal arguments necessary to assist the
25 Court in its consideration of the Motion. As a consequence, Plaintiffs believe that they will be
26 prejudiced if they do not receive an enlargement of pages on their motion for preliminary relief.
27 Plaintiffs thus respectfully request, pursuant to Civil Local Rule 7-11, leave to file a document of
28

1 up to 45 pages in support of their Motion for Preliminary Injunction.

2 On June 4, 2019, counsel for Plaintiffs conferred with counsel for Defendants by email
3 regarding Plaintiffs' Administrative Motion to Exceed Page Limitation, and counsel for Defendants
4 confirmed that Defendants consent to this Administrative Motion.

5 Pursuant to Civil Local Rules 7-11(a) and 7-12, a stipulation and a proposed order are filed
6 along with this motion.

7
8 Dated: June 5, 2019

Respectfully Submitted,

9
10 By: /s/ Richard B. Katskee

By: /s/ Mary E. Hanna-Weir

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Counsel for Santa Clara County

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By: /s/ Lee H. Rubin

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Plaintiffs’ Administrative Motion to Exceed Page Limitation (“Motion”), and a related Stipulation and Proposed Order, were electronically filed with the Clerk of the Court for the United States District Court for the Northern District of California by using the ECF system on June 5, 2019. All participants in the case who are registered ECF users will be served by the ECF system.

By: /s/ Lee H. Rubin

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NORTHERN DISTRICT OF CALIFORNIA**

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CENTER ON HALSTED, HARTFORD GYN
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vs.

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AND HUMAN SERVICES,

Defendants.

Case No. 5:19-cv-2916

**STIPULATION REGARDING
PLAINTIFFS' ADMINISTRATIVE
MOTION TO EXCEED PAGE
LIMITATION**

1 Pursuant to Civil Local Rules 7-11(a) and 7-12, Plaintiffs County of Santa Clara, Trust
2 Women Seattle, Los Angeles LGBT Center, Whitman-Walker Clinic, Inc. d/b/a Whitman-Walker
3 Health, Bradbury-Sullivan LGBT Community Center, Center On Halsted, Hartford Gyn Center,
4 Mazzone Center, Medical Students For Choice, AGLP: The Association Of LGBTQ+ Psychiatrists,
5 GLMA: Health Professionals Advancing LGBTQ Equality, Colleen McNicholas, Robert Bolan,
6 Ward Carpenter, Sarah Henn and Randy Pumphrey (collectively, “Plaintiffs”) and Defendants U.S.
7 Department of Health and Human Services and Alex M. Azar, II (collectively, “Defendants”), by
8 and through their respective counsel, submit the following stipulation regarding Plaintiffs’
9 Administrative Motion to Exceed Page Limitation.

10 WHEREAS:

11 1. Plaintiffs intend to file a motion for preliminary injunction prohibiting Defendants
12 from enforcing the Final Rule of the U.S. Department of Health and Human Services (“HHS”)
13 entitled Protecting Statutory Conscience Rights in Health Care, 84 Fed. Reg. 23,170, 23,178 (May
14 21, 2019) (to be codified at 45 C.F.R. Pt. 88).

15 2. Concurrently with this Stipulation, Plaintiffs are filing with this Court an
16 Administrative Motion to Exceed Page Limitation in which they respectfully request, pursuant to
17 Civil Local Rule 7-11, leave to file a document of up to 45 pages in support of their forthcoming
18 Motion for Preliminary Injunction.

19 3. On June 4, 2019, counsel for Plaintiffs conferred with counsel for Defendants by
20 email regarding Plaintiffs’ Administrative Motion to Exceed Page Limitation, and counsel for
21 Defendants confirmed that Defendants consent to that Administrative Motion.

22 4. The parties have thus agreed and hereby propose, subject to approval by the Court,
23 that Plaintiffs may file a document of up to 45 pages in support of their Motion for Preliminary
24 Injunction.

25 5. A proposed order on the parties’ stipulation is attached hereto.

1 Agreed to and submitted by:

2 Dated: June 5, 2019

3

4 By: /s/ Richard B. Katskee

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*Counsel for Plaintiffs Other Than County of
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14 Pursuant to Civil Local Rule 5-1(i)(3), I, Lee H. Rubin, attest that my co-counsel and I
15 obtained concurrence in the filing of this document from the following signatory.

16 Dated: June 5, 2019

18 By: /s/ Bradley P. Humphreys

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Defendants.

Case No. 5:19-cv-2916

**[PROPOSED] ORDER ON
STIPULATION REGARDING
PLAINTIFFS' ADMINISTRATIVE
MOTION TO EXCEED PAGE
LIMITATION**

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Pursuant to the stipulation of the parties, the Court, having considered the Administrative Motion to Exceed Page Limitation filed by Plaintiffs County of Santa Clara, Trust Women Seattle, Los Angeles LGBT Center, Whitman-Walker Clinic, Inc. d/b/a Whitman-Walker Health, Bradbury-Sullivan LGBT Community Center, Center On Halsted, Hartford Gyn Center, Mazzoni Center, Medical Students For Choice, AGLP: The Association Of LGBTQ+ Psychiatrists, GLMA: Health Professionals Advancing LGBTQ Equality, Colleen McNicholas, Robert Bolan, Ward Carpenter, Sarah Henn And Randy Pumphrey (collectively “Plaintiffs”), and for good cause shown, **HEREBY ORDERS THAT:**

Plaintiffs’ Administrative Motion to Exceed Page Limitation is **GRANTED**. Plaintiffs may file a Motion for Preliminary Injunction not exceeding 45 pages in length.

IT IS SO ORDERED.

Date: _____

HONORABLE NATHANAEL M. COUSINS
United States Magistrate Judge