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9 Attorneys for *Amici Curiae*
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 CITY AND COUNTY OF SAN FRANCISCO,
13 Plaintiff,
14 vs.
15 ALEX M. AZAR II, et al.,
16 Defendants.

Case No. 3:19-cv-02405-WHA
Related to
Case No. 3:19-cv-02769-WHA
Case No.: 3:19-cv-02916-WHA

**UNOPPOSED MOTION FOR LEAVE TO
SUBMIT BRIEF OF LEADING MEDICAL
ORGANIZATIONS AS *AMICI CURIAE* IN
SUPPORT OF PLAINTIFFS' OPPOSITION
TO DEFENDANTS' MOTION TO DISMISS
OR, IN THE ALTERNATIVE, FOR
SUMMARY JUDGMENT**

17 STATE OF CALIFORNIA, by and through
ATTORNEY GENERAL XAVIER
18 BECERRA,
19 Plaintiff,
20 vs.
21 ALEX M. AZAR, et al.,
22 Defendants.

Judge: Hon. William Alsup
Department: 12

Date: October 30, 2019
Time: 8:00 a.m.
Courtroom: Philip Burton Federal Building &
United States Courthouse
450 Golden Gate Ave., 19th Floor
San Francisco, CA 94102

23 COUNTY OF SANTA CLARA, et al.
24 Plaintiffs,
25 vs.

26 U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.
27 Defendants.
28

1 The American College of Obstetricians and Gynecologists, the American Medical
2 Association, the American Academy of Pediatrics, the American College of Emergency Physicians,
3 the American College of Osteopathic Obstetricians and Gynecologists, the American Society for
4 Reproductive Medicine, the National Association of Nurse Practitioners in Women’s Health, the
5 Society for Maternal-Fetal Medicine, the American College of Nurse-Midwives, the North
6 American Society for Pediatric and Adolescent Gynecology, the American Muslim Health
7 Professionals, the California Medical Association, Kaiser Permanente, and the World Professional
8 Association for Transgender Health (collectively, “*amici*”), respectfully move for leave to file the
9 accompanying *amicus* brief in support of Plaintiffs’ opposition to Defendants’ motion to dismiss,
10 or in the alternative, motion for summary judgment, to be heard on October 30, 2019 at 8:00 a.m.
11 The parties consent to the filing of the brief.

12 *Amici* move this Court for an order (1) granting the proposed amici leave to submit the
13 attached proposed brief in the above-captioned case; (2) accepting for consideration the proposed
14 brief that has been filed electronically and duly served; and (3) granting such other and further
15 relief as this Court deems just and proper.

16 *Amici* are the leading medical organizations representing physicians and health practitioners
17 in the United States. They include the American Medical Association, the largest professional
18 association of physicians, residents, and medical students in the country; the American College of
19 Obstetricians and Gynecologists, the nation’s leading organization of physicians who provide
20 health services unique to women; the American Academy of Pediatrics, representing more than
21 67,000 pediatricians and pediatric subspecialists; the American College of Emergency Physicians,
22 the leading advocate for emergency physicians and their patients, and many others. *Amici* are
23 dedicated to healthcare, to research, and to evidence-based health policy. *Amici* are opposed to all
24 forms of discrimination, and are committed to advocating for the public health and to preserving
25 access to healthcare for all ages and populations.

26 *Amici* have valuable insight to provide to the Court as to the implications of the Department
27 of Health and Human Services rule entitled “Protecting Statutory Conscience Rights in Health
28 Care,” 84 Fed. Reg. 23170 (May 21, 2019) (“the Rule”) for patient health and the ethical practice

1 of medicine. “The classic role of amicus curiae is to assist a court in a case of public interest by
2 supplementing the efforts of counsel, and drawing the court's attention to law that escaped
3 consideration. As this Court has previously recognized, whether to allow *amici* to file a brief is
4 solely within the Court's discretion, and generally courts have exercised great liberality in
5 permitting amicus briefs.” *California by & through Becerra v. United States Dep’t of the Interior*,
6 381 F. Supp. 3d 1153, 1163–64 (N.D. Cal. 2019) (noting the Court’s “broad discretion” to allow
7 third parties to file *amicus curiae* briefs) (quotations and citations omitted). For these reasons,
8 *amici* respectfully request leave to file an *amicus* brief addressing the impact of the Rule.

9
10 Dated: September 12, 2019

Respectfully submitted,

11
12 /s/ Marjorie Menza

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Case No.: 3:19-cv-02916-WHA

[PROPOSED] ORDER

Judge: Hon. William Alsup
Department: 12

17 STATE OF CALIFORNIA, by and through
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26 U.S. DEPARTMENT OF HEALTH AND
27 HUMAN SERVICES, et al.
28 Defendants.

1 This matter having come before the Court by motion of the American College of
2 Obstetricians and Gynecologists, the American Medical Association, the American Academy of
3 Pediatrics, the American College of Emergency Physicians, the American College of Osteopathic
4 Obstetricians and Gynecologists, the American Society for Reproductive Medicine, the National
5 Association of Nurse Practitioners in Women’s Health, the Society for Maternal-Fetal Medicine,
6 the American College of Nurse-Midwives, the North American Society for Pediatric and
7 Adolescent Gynecology, the American Muslim Health Professionals, the California Medical
8 Association, Kaiser Permanente, and the World Professional Association for Transgender Health
9 (collectively, “*amici*”), seeking leave to submit a brief of Leading Medical Organizations as *amici*
10 *curiae* in the above-captioned matter, and the Court having reviewed the file and pleadings herein,
11 and being otherwise fully advised in the matter, hereby finds good cause to allow amici
12 participation.

13 IT IS HEREBY ORDERED:

14 The Unopposed Motion for Leave to Submit Brief of Leading Medical Organizations as
15 *Amici Curiae* in Support of Plaintiffs is GRANTED.

16 This __ day of ____, 2019.

17
18
19 The Honorable William Alsup