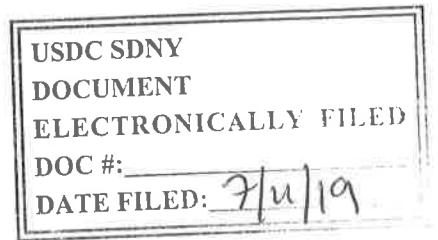


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



STATE OF NEW YORK, et al.,

Plaintiffs,

-v-

UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,

Defendants.

19 Civ. 4676 (PAE)
19 Civ. 5433 (PAE)
19 Civ. 5435 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the parties' joint letter outlining potential briefing and argument schedules and raising the question whether the motion to be litigated is properly one for a preliminary injunction or for summary judgment based on the administrative record. The Court thanks counsel for a thoughtful and informative letter.

The Court's judgment is that it would benefit, in deciding on the proper course, from a conference with counsel. The Court accordingly will utilize the conference scheduled for tomorrow, July 12, 2019, at 2:00 p.m., for that purpose. For avoidance of doubt, the Court will not use tomorrow's conference to take up merits issues. The Court does expect, however, that counsel come prepared knowledgeably to discuss the nature of the issues to be litigated; the scale and nature of the administrative record; the relationship and interplay between this case and apparently parallel litigation in the Northern District of California; whether there is logic to litigating contemporaneously a motion for a preliminary injunction alongside a motion for summary judgment; and the arguments for and against various proposed schedules. The Court expects to resolve these questions at or shortly following tomorrow's hearing.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer".

PAUL A. ENGELMAYER
United States District Judge

Dated: July 11, 2019
New York, New York