

JS 44C/SDNY
REV. 06/01/17

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
STATE OF NEW YORK, et al.

DEFENDANTS
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;
ALEX M. AZAR II; and UNITED STATES OF AMERICA

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
See attached addendum.

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

HHS Final Rule violates the APA, 5 U.S.C. § 706(2), the Spending Clause, Separation of Powers, and the Establishment Clause

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> SEIZURE OF PROPERTY	<input type="checkbox"/> 28 USC 158	<input type="checkbox"/> 376 QUI TAM
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> 21 USC 881	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> REAPPORTIONMENT
<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> SLANDER	<input type="checkbox"/> INJURY PRODUCT			<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> LIABILITY	PROPERTY RIGHTS		<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> OVERPAYMENT &	<input type="checkbox"/> EMPLOYERS'		<input type="checkbox"/> 820 COPYRIGHTS		<input type="checkbox"/> 450 COMMERCE
<input type="checkbox"/> ENFORCEMENT	<input type="checkbox"/> LIABILITY	PERSONAL PROPERTY	<input type="checkbox"/> 830 PATENT		<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> OF JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		<input type="checkbox"/> 470 RACKETEER INFLU-
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 840 TRADEMARK		<input type="checkbox"/> ENCED & CORRUPT
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING		SOCIAL SECURITY	<input type="checkbox"/> ORGANIZATION ACT
<input type="checkbox"/> DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE		LABOR	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> (RICO)
<input type="checkbox"/> STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> (EXCL VETERANS)	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/> STANDARDS ACT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 490 CABLE/SATELLITE TV
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> 720 LABOR/MGMT	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 850 SECURITIES/
<input type="checkbox"/> OVERPAYMENT	<input type="checkbox"/> INJURY	PRISONER PETITIONS	<input type="checkbox"/> RELATIONS	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> COMMODITIES/
<input type="checkbox"/> OF VETERAN'S	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 463 ALIEN DETAINEE	<input type="checkbox"/> 740 RAILWAY LABOR ACT		<input type="checkbox"/> EXCHANGE
<input type="checkbox"/> BENEFITS	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 751 FAMILY MEDICAL	FEDERAL TAX SUITS	<input type="checkbox"/> 890 OTHER STATUTORY
<input type="checkbox"/> 160 STOCKHOLDERS		<input type="checkbox"/> VACATE SENTENCE	<input type="checkbox"/> LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	<input type="checkbox"/> ACTIONS
<input type="checkbox"/> SUITS	ACTIONS UNDER STATUTES	<input type="checkbox"/> 28 USC 2255	<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> Defendant)	<input type="checkbox"/> 891 AGRICULTURAL ACTS
<input type="checkbox"/> 190 OTHER	CIVIL RIGHTS	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> LITIGATION	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 893 ENVIRONMENTAL
<input type="checkbox"/> CONTRACT	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> 791 EMPL RET INC	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> MATTERS
<input type="checkbox"/> CONTRACT	<input type="checkbox"/> (Non-Prisoner)	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> SECURITY ACT (ERISA)		<input type="checkbox"/> 895 FREEDOM OF
<input type="checkbox"/> PRODUCT	<input type="checkbox"/> 441 VOTING	PRISONER CIVIL RIGHTS	IMMIGRATION	<input type="checkbox"/> 896 ARBITRATION	<input type="checkbox"/> INFORMATION ACT
<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 462 NATURALIZATION	<input type="checkbox"/> 899 ADMINISTRATIVE	<input checked="" type="checkbox"/> PROCEDURE ACT/REVIEW OR
<input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 555 PRISON CONDITION	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> APPEAL OF AGENCY DECISION
	<input type="checkbox"/> 445 ACCOMMODATIONS	<input type="checkbox"/> 560 CIVIL DETAINEE	<input type="checkbox"/> 465 OTHER IMMIGRATION		<input type="checkbox"/> 950 CONSTITUTIONALITY OF
REAL PROPERTY	<input type="checkbox"/> 446 AMERICANS WITH	<input type="checkbox"/> CONDITIONS OF CONFINEMENT	<input type="checkbox"/> ACTIONS		<input type="checkbox"/> STATE STATUTES
<input type="checkbox"/> 210 LAND	<input type="checkbox"/> 447 AMERICANS WITH				
<input type="checkbox"/> CONDEMNATION	<input type="checkbox"/> 448 EDUCATION				
<input type="checkbox"/> 220 FORECLOSURE					
<input type="checkbox"/> 230 RENT LEASE &					
<input type="checkbox"/> EJECTMENT					
<input type="checkbox"/> 240 TORTS TO LAND					
<input type="checkbox"/> 245 TORT PRODUCT					
<input type="checkbox"/> LIABILITY					
<input type="checkbox"/> 290 ALL OTHER					
<input type="checkbox"/> REAL PROPERTY					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation (Transferred)
- 7 Appeal to District Judge from Magistrate Judge
- 8 Multidistrict Litigation (Direct File)
- a. all parties represented
- b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- 1 U.S. PLAINTIFF
- 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION (U.S. NOT A PARTY)
- 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] DEF []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] DEF []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] DEF []
CITIZEN OF ANOTHER STATE	[] []	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] []	FOREIGN NATION	[] []

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 05/21/2019 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT [] NO [x] YES (DATE ADMITTED Mo.05 Yr. 2004) Attorney Bar Code # MC-1746

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Civil Cover Sheet Attachment

Plaintiffs

STATE OF NEW YORK

CITY OF NEW YORK

STATE OF COLORADO

STATE OF CONNECTICUT

STATE OF DELAWARE

DISTRICT OF COLUMBIA

STATE OF HAWAI'I

STATE OF ILLINOIS

STATE OF MARYLAND

COMMONWEALTH OF MASSACHUSETTS

STATE OF MICHIGAN

STATE OF MINNESOTA

STATE OF NEVADA

STATE OF NEW JERSEY

STATE OF NEW MEXICO

STATE OF OREGON

COMMONWEALTH OF PENNSYLVANIA

STATE OF RHODE ISLAND

STATE OF VERMONT

COMMONWEALTH OF VIRGINIA

STATE OF WISCONSIN

CITY OF CHICAGO

COOK COUNTY, ILLINOIS

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*Motion to appear *pro hac vice* forthcoming.