

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

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

NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSOCIATION, INC.; PUBLIC HEALTH SOLUTIONS, INC.

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

DEFENDANTS

ALEX M. AZAR II; U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES; ROGER SEVERINO; OFFICE FOR CIVIL RIGHTS, U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES

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 (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)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 APA, 5 U.S.C. 706, First and Fifth Amendments of U.S. Constitution

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
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 368 ASBESTOS PERSONAL INJURY/PRODUCT LIABILITY	[] 626 SEIZURE OF PROPERTY 21 USC 881
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 369 OTHER	[] 690 OTHER
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	PROPERTY RIGHTS	[] 820 COPYRIGHTS
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	[] 830 PATENT	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 840 TRADEMARK	
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	LABOR	[] 710 FAIR LABOR STANDARDS ACT
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 720 LABOR/MGMT RELATIONS	[] 740 RAILWAY LABOR ACT
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 790 OTHER LABOR LITIGATION
[] 190 OTHER CONTRACT	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 870 TAXES (U.S. Plaintiff or Defendant)
[] 195 CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 871 IRS-THIRD PARTY 26 USC 7609
[] 196 FRANCHISE	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[] 463 ALIEN DETAINEE	[] 893 ENVIRONMENTAL MATTERS
REAL PROPERTY	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[] 895 FREEDOM OF INFORMATION ACT
[] 210 LAND CONDEMNATION	[] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[] 896 ARBITRATION
[] 220 FORECLOSURE	[] 443 HOUSING/ ACCOMMODATIONS	[] 550 CIVIL RIGHTS	[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 230 RENT LEASE & EJECTMENT	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 555 PRISON CONDITION	[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 240 TORTS TO LAND	[] 446 AMERICANS WITH DISABILITIES -OTHER	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	
[] 245 TORT PRODUCT LIABILITY	[] 448 EDUCATION		
[] 290 ALL OTHER 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 Paul A. Engelmayer DOCKET NUMBER 19-cv-4676

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
- a. all parties represented
- b. At least one party is pro se.
- 8 Multidistrict Litigation (Direct File)

(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)

National Family Planning and Reproductive Health Association, Inc.
1025 Vermont Ave. NW, Suite 800, Washington, DC 20005

Public Health Solutions, Inc.

40 Worth St. 5th Floor. New York. NY 10013 (New York County)

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

U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

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 June 11, 2019 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
[x] YES (DATE ADMITTED Mo. July Yr. 2007)
Attorney Bar Code # AK-1112

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)

ATTACHMENT: ATTORNEYS FOR PLAINTIFFS

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Attorneys for Plaintiffs

* Application for admission forthcoming
***Pro hac vice* motion forthcoming