

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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| STATE OF NEW YORK, et al.,             | ) |                    |
|                                        | ) | 1:19-cv-4676 (PAE) |
| Plaintiffs,                            | ) | 1:19-cv-5433 (PAE) |
|                                        | ) | 1:19-cv-5435 (PAE) |
| v.                                     | ) |                    |
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|                                        | ) |                    |
| UNITED STATES DEPARTMENT OF HEALTH AND | ) |                    |
| HUMAN SERVICES, et al.,                | ) |                    |
|                                        | ) |                    |
| Defendants.                            | ) |                    |
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**MEMORANDUM OF LAW IN SUPPORT OF UNOPPOSED MOTION  
FOR LEAVE TO SUBMIT BRIEF OF LEADING MEDICAL  
ORGANIZATIONS AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS’  
MOTION FOR A PRELIMINARY INJUNCTION AND CROSS-MOTION  
FOR SUMMARY JUDGMENT**

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Dated: September 12, 2019

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The American College of Obstetricians and Gynecologists, the American Medical Association, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Osteopathic Obstetricians and Gynecologists, the American Society for Reproductive Medicine, the National Association of Nurse Practitioners in Women's Health, the Society for Maternal-Fetal Medicine, the American College of Nurse-Midwives, the North American Society for Pediatric and Adolescent Gynecology, the American Muslim Health Professionals, and the World Professional Association for Transgender Health (collectively, "*amici*"), respectfully move for leave to file the accompanying *amicus* brief in support of Plaintiffs' motion for a preliminary injunction and cross-motion for summary judgment. The parties consent to the filing of the brief.

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

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

ethical practice of medicine. “An *amicus* brief should normally be allowed when . . . the *amicus* has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Auto. Club of N.Y. v. Port Auth. of N.Y. and N.J.*, No. 11-6746, 2011 WL 5865296, at \*1 (S.D.N.Y. Nov. 22, 2011) (noting the Court’s “broad discretion” to allow third parties to file *amicus curiae* briefs). For these reasons, *amici* respectfully request leave to file an *amicus* brief addressing the impact of the Rule.

Dated: September 12, 2019

Respectfully submitted,

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