

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
ALEX M. AZAR II, *in his official capacity as
Secretary of the United States Department of
Health and Human Services*; and UNITED
STATES OF AMERICA,

Defendants.

No. 1:19-cv-04676-PAE
(consolidated with 1:19-cv-05433-PAE;
1:19-cv-05435-PAE)

**STIPULATED REQUEST FOR AN
ORDER TO POSTPONE RULE'S
EFFECTIVE DATE; TO SUSPEND
DEFENDANTS' DEADLINE TO
RESPOND TO PLAINTIFFS'
PRELIMINARY INJUNCTION
MOTIONS; AND TO VACATE THE
CURRENT BRIEFING SCHEDULE
AND HEARING DATE
[5 U.S.C. § 705]**

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC.; and PLANNED
PARENTHOOD OF NORTHERN NEW
ENGLAND, INC.,

Plaintiffs,

v.

ALEX M. AZAR II, *in his official capacity as
Secretary, United States Department of
Health and Human Services*; UNITED
STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES; ROGER
SEVERINO, *in his official capacity as
Director, Office for Civil Rights, United
States Department of Health and Human
Services*; and OFFICE FOR CIVIL RIGHTS,
United States Department of Health and
Human Services,

Defendants.

No. 1:19-cv-05433-PAE
(consolidated with 1:19-cv-0476-PAE;
1:19-cv-05435-PAE)

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that [they are] likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [their] favor, [or] that an injunction is in the public interest.” See *Winter v. NRDC*, 555 U.S. 7, 20 (2008).

3. Plaintiffs maintain that—for the reasons expressed in their motions for a preliminary injunction and their opposition to Defendants’ motion to continue the deadline to respond to Plaintiffs’ motions—Plaintiffs would suffer various irreparable injuries were the Final Rule’s effective date not postponed.

4. The parties request that the Court issue an order, pursuant to 5 U.S.C. § 705, that the effective date of the Final Rule is postponed until November 22, 2019.

5. The parties further request, in light of this postponement, that the Court suspend the June 28, 2019 deadline for Defendants’ opposition brief and set a new and more protracted schedule for submission of the remaining briefs on Plaintiffs’ preliminary injunction motions.

6. The parties agree to meet and confer to determine whether they can reach an agreement on a proposed schedule to resolve this case through cross-motions for summary judgment prior to the Final Rule’s new November 22, 2019 effective date.

Dated: June 28, 2019

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The effective date of the Final Rule is postponed until November 22, 2019. *See* 5 U.S.C. § 705. Defendants' June 28, 2019 deadline to respond to Plaintiffs' preliminary injunction motions is suspended, and the preliminary injunction briefing schedule and hearing date set forth in the Court's June 7, 2019 and June 13, 2019 Orders is vacated. This order is without prejudice to the merits.

Dated: June 28, 2019



PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE