UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
George L. Russell, III
United States District Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-4055

June 26, 2019

MEMORANDUM TO COUNSEL RE: Mayor and City Council of Baltimore v. Alex M. Azar, II, et al.
Civil Action No. GLR-19-1672

Dear Counsel:

Pending before the Court is Defendants Alex M. Azar, II and U.S. Department of Health and Human Services' ("HHS") Motion to Hold Plaintiff's Motion for a Preliminary Injunction in Abeyance and to Set a Summary Judgment Briefing Schedule; or, in the Alternative, for Enlargement of Time to File Their Opposition to Plaintiff's Motion for a Preliminary Injunction (ECF No. 21).

On June 5, 2019, Plaintiff Mayor and City Council of Baltimore (the "City") sued Defendants, seeking declaratory and injunctive relief for alleged violations of the Administrative Procedure Act with respect to an HHS final rule (the "Final Rule") entitled "Protecting Statutory Conscience Rights in Health Care; Delegations of Authority." (ECF No. 1). On June 12, 2019, after the Court granted the City's request to file excess pages, (ECF No. 13), the City filed its Plaintiff's Motion for Preliminary Injunction, (ECF No. 14).

Defendants filed their Motion on the evening of June 25, 2019. (ECF No. 21). Defendants state that HHS will not enforce the Final Rule, which becomes effective on July 22, 2019, until November 22, 2019. On that basis, Defendants ask the Court to depart from the normal motions briefing schedule, see Local Rule 105.2.a (D.Md. 2018), and either hold the City's Motion in abeyance or grant Defendants until July 31, 2019 to respond to it. Defendants note that the City does not consent to such relief.

In light of these circumstances, the Court directs the City to respond to Defendants' Motion by 11 a.m. on Thursday, June 27, 2019.

Despite the informal nature of this memorandum, it shall constitute an Order of the Court, and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/
George L. Russell, III
United States District Judge