

1 Jeffrey T. Sprung, WSBA #23607
 Martha Rodríguez López, WSBA #35466
 2 Paul Crisalli, WSBA #40681
 R. July Simpson, WSBA #45869
 3 Jeffrey C. Grant, WSBA #11046
Assistant Attorneys General
 4 ROBERT W. FERGUSON
 ATTORNEY GENERAL
 5 Washington Attorney General’s Office
 800 Fifth Avenue, Suite 2000
 6 Seattle, WA 98104
 (206) 464-7744

7
 8 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF WASHINGTON
 9 **AT YAKIMA**

10 STATE OF WASHINGTON,

NO. 2:19-cv-00183-SAB

11 Plaintiff,

MOTION TO EXPEDITE AND SET
 BRIEFING SCHEDULE ON
 MOTION FOR PRELIMINARY
 INJUNCTION

12 v.

June 24, 2019
 Without Oral Argument

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

16 Defendants.
 17

18 Plaintiff moves for expedited consideration of this motion under Local
 19 Civil Rule 7(i)(2)(C). Good cause is demonstrated because it would be more
 20 efficient for the parties to proceed on a briefing schedule for Plaintiff’s
 21 forthcoming motion for preliminary injunction, establish agreed page limits, and
 22 set an agreed hearing date for the forthcoming motion. Because the agreed

1 briefing schedule would entail Plaintiff filing its motion for preliminary
2 injunction on June 24, 2019, good cause exists to expedite consideration of this
3 agreed motion so that a case schedule and operative page limits can be established
4 prior to the proposed filing date.

5 Plaintiff submits that the proposed briefing schedule will provide sufficient
6 time for them to brief the numerous legal and factual issues that will be presented,
7 while allowing the Court sufficient time to rule on the motions prior to the Final
8 Rule's effective date of July 22, 2019. Further, Plaintiff submits that an extension
9 of the page limitations established by the local rules is appropriate in this case
10 due to the complexity of the issues and the size of the administrative record.
11 Counsel have been advised that the Court is available to hold a hearing on the
12 forthcoming motion for preliminary injunction on July 17, 2019 at 1:30 p.m.

13 Counsel for Defendants initially agreed with this proposed briefing
14 schedule and hearing date of July 17, 2019 at 1:30 p.m. Defendants have since
15 informed Plaintiff that they intend to delay the challenged rule's effective date
16 until at least October 31, 2019 and will shortly propose alternative briefing
17 schedule. On that basis, they have withdrawn their agreement to the July 17, 2019
18 hearing date, and have told Plaintiff that they will move the Court to grant them
19 an extension of time to respond to Plaintiff's preliminary injunction to July 31,
20 2019, which is nine days after the current effective date of the Final Rule.
21 Defendants, however, have not filed any formal notice to delay the effective date

22

1 of the Final Rule, until which time July 22 remains the effective date of the Rule.

2 Plaintiff files this motion to expedite so as to preserve the schedule the
3 parties agreed upon and permit a preliminary injunction ruling prior to the
4 effective date of the Rule.

5 For the foregoing reasons, Plaintiff requests that the Court expedite its
6 consideration of this motion and adopt the following briefing schedule and page
7 limitations with respect to the forthcoming motion for preliminary injunction:

8 **A. Briefing Schedule and Page Limitations**

9 June 24, 2019: Plaintiff will file its motion for preliminary injunction
10 of no more than 60 pages.

11 July 8, 2019: Defendants will file their opposition to the motion in
12 no more than 60 pages.

13 July 15, 2019: Plaintiff will file a reply brief of no more than 30 pages.

14 RESPECTFULLY SUBMITTED this 21st day of June, 2019.

15 ROBERT W. FERGUSON
16 Attorney General

17 *s/ Paul Crisalli*
18 _____
19 JEFFREY T. SPRUNG, WSBA #23607
20 MARTHA RODRÍGUEZ LÓPEZ, WSBA #35466
21 PAUL CRISALLI, WSBA #40681
22 R. JULY SIMPSON, WSBA #45869
JEFFREY C. GRANT, WSBA #11046
Assistant Attorneys General
Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-7744

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Jeff.Sprung@atg.wa.gov
Martha.RodriguezLopez@atg.wa.gov
Paul.Crisalli@atg.wa.gov
July.Simpson@atg.wa.gov
Jeffrey.Grant@atg.wa.gov
Attorneys for Plaintiff State of Washington

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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 21st day of June, 2019, at Seattle, Washington.

s/ Paul Crisalli

PAUL CRISALLI, WSBA #40681
Assistant Attorney General

1 Jeffrey T. Sprung, WSBA #23607
 2 Martha Rodríguez López, WSBA #35466
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 8 ATTORNEY GENERAL
 9 Washington Attorney General’s Office
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13 **UNITED STATES DISTRICT COURT**
 14 **EASTERN DISTRICT OF WASHINGTON**
 15 **AT YAKIMA**

16 STATE OF WASHINGTON,

NO. 2:19-cv-00183-SAB

17 Plaintiff,

[PROPOSED]
 ORDER REGARDING BRIEFING
 OF PLAINTIFF’S MOTION FOR
 PRELIMINARY INJUNCTION

18 v.

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

Defendants.

ORDER

The motion to expedite is GRANTED.

Based upon the Plaintiff’s motion, IT IS ORDERED that the following briefing schedule and page limitations will apply with respect to Plaintiff’s forthcoming motion for preliminary injunction:

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A. Briefing Schedule and Page Limitations

June 24, 2019: Plaintiff will file its motion for preliminary injunction of no more than 60 pages.

July 8, 2019: Defendants will file their opposition to the motion in of no more than 60 pages.

July 15, 2019: Plaintiff will file a reply brief of no more than 30 pages.

Oral argument on Plaintiff's motion will be held on July 17, 2019 at 1:30 p.m. at the Yakima courthouse.

DATED this _____ day of _____, 2019.

THE HONORABLE STANLEY A. BASTIAN
UNITED STATES DISTRICT JUDGE

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Presented by:

ROBERT W. FERGUSON
Attorney General

s/ Paul Crisalli

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Martha.RodriguezLopez@atg.wa.gov
Paul.Crisalli@atg.wa.gov
July.Simpson@atg.wa.gov
Jeffrey.Grant@atg.wa.gov
Attorneys for Plaintiff State of Washington