

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

MAYOR AND CITY COUNCIL OF  
BALTIMORE,

*Plaintiff,*

v.

ALEX M. AZAR II, in his official capacity as  
SECRETARY OF HEALTH AND HUMAN  
SERVICES; and U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,

*Defendants.*

Case No. 1:19-cv-01672-GLR

**JOINT STATUS REPORT**

The parties submit this joint status report pursuant to this Court's November 12, 2019 order, ECF No. 99. The parties inform the Court that, on January 3, 2020, Defendants filed appeals to the United States Court of Appeals for the Second Circuit of the decision and final judgments in the United States District Court for the Southern District of New York that vacated the rule that Plaintiff challenges in this case. *See State of New York v. U.S. Dep't of Health & Human Servs.*, No. 1:19-cv-4676-PAE, Notice of Appeal, ECF No. 255 (S.D.N.Y.) (*New York*); *Planned Parenthood Fed'n of Am., Inc. v. Azar*, No. 1:19-cv-5433-PAE, Notice of Appeal, ECF No. 123 (S.D.N.Y.) (*Planned Parenthood*); *Nat'l Family Planning & Reproductive Health Ass'n v. Azar*, No. 1:19-cv-5435-PAE, Notice of Appeal, ECF No. 129 (S.D.N.Y.) (*NFPRHA*). Intervenors in the Southern District of New York litigation have also filed appeals. *See New York*, Notice of Appeal, ECF No. 254; *Planned Parenthood*, Notice of Appeal, ECF No. 122; *NFPRHA*, Notice of Appeal, ECF No. 128. The Second Circuit has not yet established a briefing schedule or set a date for oral argument.

The parties also note that the United States District Court for the Eastern District of

Washington issued a decision and final judgment vacating the challenged rule on November 21, 2019. The federal government has until January 21, 2020 to file a notice of appeal in that case. In addition, the United States District Court for the Northern District of California has also vacated the challenged rule in three cases: *City & County of San Francisco v. Azar*, No. 3:19-cv-2405-WHA (N.D. Cal.) (*San Francisco*); *California v. Azar*, No. 3:19-cv-2769-WHA (N.D. Cal.) (*California*); *County of Santa Clara v. U.S. Dep't of Health & Human Servs.*, No. 3:19-cv-2916-WHA (N.D. Cal.) (*Santa Clara*). That court entered a final judgment in *San Francisco* and *Santa Clara* on January 8, 2020. The federal government has until March 9, 2020 to file notices of appeal in those cases. A final appealable judgment has not yet been entered in *California*.

Dated: January 9, 2020

Respectfully submitted,

By: /s/ Susan Sangree

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