

UNITED STATES DISTRICT COURT
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,

DR. REGINA FROST and CHRISTIAN
MEDICAL AND DENTAL
ASSOCIATIONS,

Defendants-Intervenors.

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

NOTICE OF APPEAL

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-04676-PAE;
) 1:19-cv-05435-PAE)

NATIONAL FAMILY PLANNING AND)	No. 1:19-cv-05435-PAE
REPRODUCTIVE HEALTH)	(consolidated with 1:19-cv-04676-PAE;
ASSOCIATION; and PUBLIC HEALTH)	1:19-cv-05433-PAE)
SOLUTIONS, INC.,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	
ALEX M. AZAR II, <i>in his official capacity as</i>)	
<i>Secretary of the U.S. Department of Health</i>)	
<i>and Human Services</i> ; U.S. DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES;)	
ROGER SEVERINO, <i>in his official capacity</i>)	
<i>as Director of the Office for Civil Rights of the</i>)	
<i>U.S. Department of Health and Human Ser-</i>)	
<i>vices</i> ; OFFICE FOR CIVIL RIGHTS OF THE)	
U.S. DEPARTMENT OF HEALTH AND)	
HUMAN SERVICES,)	
)	
<i>Defendants.</i>)	
)	
)	
)	

GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900

THE BECKET FUND FOR RELIGIOUS
LIBERTY
1200 New Hampshire Ave. NW, Suite 700
Washington, D.C. 20036
Telephone: 202.955.0095
Facsimile: 202.955.0090

*Attorneys for Intervenors Dr. Regina Frost and
Christian Medical and Dental Associations*

Notice is hereby given that Dr. Regina Frost and the Christian Medical and Dental Associations, Defendants-Intervenors in the above-named consolidated cases, hereby appeal to the United States Court of Appeals for the Second Circuit from the orders and final judgment entered on the 6th day of November, 2019—Dkts. 248, 249, and 250 in the lead case, No. 19-cv-04676; Dkts 116, 117, and 118 in case No. 19-cv-05433; and Dkts 122, 123, and 124 in case No. 19-cv-05435—granting plaintiffs’ motions for summary judgment; denying defendant Department of Health and Human Services’s (“HHS”) motions to dismiss and for summary judgment; denying Defendants-Intervenors’ motion for summary judgment; denying as moot plaintiffs’ motion for preliminary relief; and vacating the challenged HHS rule in its entirety.

Dated: December 18, 2019

Respectfully submitted,

New York, New York

GIBSON, DUNN & CRUTCHER LLP

/s/ Allyson N. Ho

Daniel Blomberg (*pro hac vice*)
Nicholas Reaves (*pro hac vice*)
THE BECKET FUND FOR RELIGIOUS
LIBERTY
1200 New Hampshire Ave. NW, Suite 700
Washington, D.C. 20036
Telephone: 202.955.0095
Facsimile: 202.955.0090

Allyson N. Ho (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201
Telephone: 214.698.3100
Facsimile: 214.571.2900

*Attorneys for Defendants-Intervenors DR.
REGINA FROST AND CHRISTIAN MEDICAL
AND DENTAL ASSOCIATIONS*

Robert E. Dunn (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
1811 Page Mill Road
Palo Alto, California 94304
Telephone: 650.849.5300
Facsimile: 650.849.5333

Jason H. Hilborn (*pro hac vice*)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036
Telephone: 202.955.8500
Facsimile: 202.467.0539

Attorneys for Defendant-Intervenor
CHRISTIAN MEDICAL AND DENTAL
ASSOCIATIONS