

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

ROBERT A. KATZMANN
CHIEF JUDGE

Date: January 07, 2020
Docket #: 20-32
Short Title: National Family Planning and R v. Azar

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

DC Docket #: 19-cv-5435
DC Court: SDNY (NEW YORK
CITY)
DC Judge: Engelmayer

DOCKETING NOTICE

A notice of appeal filed by Alex M. Azar et al. in the above referenced case was docketed today as 20-32. This number must appear on all documents related to this case that are filed in this Court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

YOUR CORRECT CONTACT INFORMATION: Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

CHANGE IN CONTACT INFORMATION: An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in CM/ECF must notify the Court of a change to the user's mailing address, business address, telephone number, or e-mail. To update contact information, a Filing User must access PACER's Manage

My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

CAPTION: In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether appellant is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8527.

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
(rel. 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
(rel. 1:19-cv-0476-PAE; 1:19-cv-05435-
PAE)

NATIONAL FAMILY PLANNING AND)	No. 1:19-cv-05435-PAE
REPRODUCTIVE HEALTH)	(rel. 1:19-cv-0476-PAE; 1:19-cv-05433-
ASSOCIATION; and PUBLIC HEALTH)	PAE)
SOLUTIONS,)	
)	
Plaintiffs,)	
)	
v.)	
)	
ALEX M. AZAR II, in his official capacity as)	
Secretary of the U.S. Department of Health)	
and Human Services; U.S. DEPARTMENT)	
OF HEALTH AND HUMAN SERVICES;)	
ROGER SEVERINO, in his official capacity)	
as Director of the Office for Civil Rights of)	
the U.S. Department of Health and Human)	
Services; OFFICE FOR CIVIL RIGHTS of)	
the U.S. Department of Health and Human)	
Services,)	
)	
Defendants.)	
)	

NOTICE OF APPEAL

Defendants in the above-captioned cases hereby give notice that they appeal to the United States Court of Appeals for the Second Circuit from all aspects of this Court’s orders, memorandum opinion, and final appealable judgments entered on November 6, 2019—ECF Nos. 248, 249, and 250 in case No. 19-cv-04676; ECF Nos. 116, 117, and 118 in case No. 19-cv-05433; and ECF Nos. 122, 123, and 124 in case No. 19-cv-05435—and all prior orders and decisions that merge into these orders.

Dated: January 3, 2020

Respectfully submitted,

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Assistant Attorney General

JAMES M. BURNHAM
Deputy Assistant Attorney General

CHRISTOPHER A. BATES
Senior Counsel to the Assistant Attorney General

MICHELLE R. BENNETT
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Counsel for Defendants

CLOSED,APPEAL,ECF,MEMBER,RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-05435-PAE**

National Family Planning and Reproductive Health Association
et al v. Azar et al
Assigned to: Judge Paul A. Engelmayer
Lead case: [1:19-cv-04676-PAE](#)
Member case: ([View Member Case](#))
Related Case: [1:19-cv-04676-PAE](#)
Cause: 05:702 Administrative Procedure Act

Date Filed: 06/11/2019
Date Terminated: 11/06/2019
Jury Demand: None
Nature of Suit: 899 Other Statutes:
Administrative Procedures Act/Review or
Appeal of Agency Decision
Jurisdiction: Federal Question

Plaintiff

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Reproductive Health Association**

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V.

Defendant

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Defendant

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Defendant

Dr. Regina Frost

Defendant

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V.

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Date Filed	#	Docket Text
06/11/2019	<u>1</u>	COMPLAINT against Alex M. Azar, II, Office for Civil Rights of the U.S. Department of Health and Human Services, Roger Severino, U.S. Department of Health and Human Services. (Filing Fee \$ 400.00, Receipt Number ANYSDC-17057562) Document filed by Public Health Solutions, Inc., National Family Planning and Reproductive Health Association. (Attachments: # <u>1</u> Exhibit A – Final Rule)(Kolbi-Molinas, Alexa) (Entered: 06/11/2019)
06/11/2019	<u>2</u>	CIVIL COVER SHEET filed. (Kolbi-Molinas, Alexa) (Entered: 06/11/2019)
06/11/2019	<u>3</u>	RELATED CASE AFFIRMATION of Alexa Kolbi-Molinas re: that this action be filed as related to 19-cv-4676. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc..(Kolbi-Molinas, Alexa) (Entered: 06/11/2019)
06/11/2019	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Alex M. Azar II, re: <u>1</u> Complaint,. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Kolbi-Molinas, Alexa) (Entered: 06/11/2019)
06/11/2019	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Health and Human Services, re: <u>1</u> Complaint,. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Kolbi-Molinas, Alexa) (Entered: 06/11/2019)
06/11/2019	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Roger Severino, re: <u>1</u> Complaint,. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Kolbi-Molinas, Alexa) (Entered: 06/11/2019)
06/11/2019	<u>7</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Office for Civil Rights of the U.S. Department of Health and Human Services, re: <u>1</u> Complaint,. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Kolbi-Molinas, Alexa) (Entered: 06/11/2019)
06/11/2019	<u>8</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Health and Human Services, c/o Attorney General of the United States, re: <u>1</u> Complaint,. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Kolbi-Molinas, Alexa) (Entered: 06/11/2019)
06/11/2019	<u>9</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Health and Human Services, c/o U.S. Attorney's Office, Southern District of New York, re: <u>1</u> Complaint,. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Kolbi-Molinas, Alexa) (Entered: 06/11/2019)

06/11/2019	<u>10</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc..(Kolbi-Molinas, Alexa) (Entered: 06/11/2019)
06/11/2019	<u>11</u>	NOTICE OF APPEARANCE by Christopher T Dunn on behalf of National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Dunn, Christopher) (Entered: 06/11/2019)
06/11/2019	<u>12</u>	NOTICE OF APPEARANCE by Erin Beth Harrist on behalf of National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Harrist, Erin) (Entered: 06/11/2019)
06/12/2019	<u>13</u>	NOTICE OF APPEARANCE by Brigitte Adrienne Amiri on behalf of National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Amiri, Brigitte) (Entered: 06/12/2019)
06/12/2019		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Alexa Rebecca Kolbi-Molinas. The party information for the following party/parties has been modified: Alex M. Azar, II; Roger Severino. The information for the party/parties has been modified for the following reason/reasons: party text was omitted;. (jgo) (Entered: 06/12/2019)
06/12/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (jgo) (Entered: 06/12/2019)
06/12/2019		Case Designated ECF. (jgo) (Entered: 06/12/2019)
06/12/2019		CASE REFERRED TO Judge Paul A. Engelmayer as possibly related to 19-cv-4676. (jgo) (Entered: 06/12/2019)
06/12/2019	<u>14</u>	ELECTRONIC SUMMONS ISSUED as to Alex M. Azar, II. (jgo) (Entered: 06/12/2019)
06/12/2019	<u>15</u>	ELECTRONIC SUMMONS ISSUED as to Office for Civil Rights of the U.S. Department of Health and Human Services. (jgo) (Entered: 06/12/2019)
06/12/2019	<u>16</u>	ELECTRONIC SUMMONS ISSUED as to Roger Severino. (jgo) (Entered: 06/12/2019)
06/12/2019	<u>17</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department of Health and Human Services. (jgo) (Entered: 06/12/2019)
06/12/2019	<u>18</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department of Health and Human Services. (jgo) (Entered: 06/12/2019)
06/12/2019	<u>19</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department of Health and Human Services. (jgo) (Entered: 06/12/2019)
06/12/2019	<u>20</u>	MOTION to Consolidate Cases 1:19-cv-04676 . Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc..(Kolbi-Molinas, Alexa) (Entered: 06/12/2019)
06/13/2019	<u>21</u>	ORDER: The Court hereby sets the following schedule for any preliminary injunction motion that may be filed in the two related cases. Such motions and accompanying memoranda of law will be due 5 p.m. on Monday, June 17, 2019. (That deadline is three days after the deadline the Court has set for the plaintiffs in 19 Civ. 4676 to file such a motion, which deadline remains in place for the 19 Civ. 4676 plaintiffs.) The Government's opposition to any preliminary injunction motion remains due on June 28, 2019. A reply, if any, by plaintiffs in any of these three cases is-and with respect to 19 Civ. 4676, remains-due on July 5, 2019. The Court will hear argument as to any preliminary injunction motions together, on Friday, July 12, 2019 at 2:00 p.m. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 6/13/2019) (anc) (Entered: 06/13/2019)
06/13/2019		Set/Reset Deadlines: Motions due by 6/17/2019. Responses due by 6/28/2019. Replies due by 7/5/2019. Set/Reset Hearings: Oral Argument set for 7/12/2019 at 02:00 PM before Judge Paul A. Engelmayer. (anc) (Entered: 06/13/2019)

06/13/2019		CASE ACCEPTED AS RELATED. Create association to 1:19-cv-04676-PAE. Notice of Assignment to follow. (bcu) (Entered: 06/13/2019)
06/13/2019		NOTICE OF CASE REASSIGNMENT to Judge Paul A. Engelmayer. Judge Unassigned is no longer assigned to the case. (bcu) (Entered: 06/13/2019)
06/13/2019		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (bcu) (Entered: 06/13/2019)
06/14/2019	<u>22</u>	LETTER addressed to Judge Paul A. Engelmayer from Alexa Kolbi-Molinas dated 6/14/19 re: Intent to Move for Preliminary Injunction. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc..(Kolbi-Molinas, Alexa) (Entered: 06/14/2019)
06/14/2019	<u>23</u>	MEMO ENDORSEMENT on UNOPPOSED MOTION FOR CONSOLIDATION, AND FOR LEAVE TO FILE JOINT MEMORANDUM OF LAW, IN EXCESS OF PAGE LIMIT, IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION with respect to [12 in case 19cv5433] [20 in case 19cv5435] Letter Motion to Consolidate Cases. ENDORSEMENT: The Court approves plaintiffs' request to file a joint memorandum of law in support of their motion for a preliminary injunction, and the request for extended page limits, upon the plaintiffs' representation that they will conform to the schedule set by the Court. Dkt. 16. The Court will address the motion to consolidate early next week. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 6/14/2019) (anc)**Pursuant to instructions from Chambers, Filed in cases 19cv5433, 19cv4676, and 19cv5435. Modified on 6/17/2019 (anc). (Entered: 06/14/2019)
06/17/2019	<u>24</u>	NOTICE OF APPEARANCE by Bradley Humphreys on behalf of Alex M. Azar, II, Office for Civil Rights of the U.S. Department of Health and Human Services, Roger Severino, U.S. Department of Health and Human Services. (Humphreys, Bradley) (Entered: 06/17/2019)
06/17/2019	<u>25</u>	MOTION for Preliminary Injunction . Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc..(Kolbi-Molinas, Alexa) (Entered: 06/17/2019)
06/17/2019	<u>26</u>	JOINT MEMORANDUM OF LAW in Support re: <u>25</u> MOTION for Preliminary Injunction . . Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Kolbi-Molinas, Alexa) (Entered: 06/17/2019)
06/17/2019	<u>27</u>	DECLARATION of Sarah Mac Dougall in Support re: <u>25</u> MOTION for Preliminary Injunction .. Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc.. (Attachments: # <u>1</u> Exhibit A – Statutory Definitions, # <u>2</u> Exhibit B – Custer Declaration, # <u>3</u> Exhibit C – Gallagher Declaration, # <u>4</u> Exhibit D– Coleman Declaration, # <u>5</u> Exhibit E – David Declaration, # <u>6</u> Exhibit F – Chasen Declaration)(Mac Dougall, Sarah) (Entered: 06/17/2019)
06/19/2019	<u>28</u>	NOTICE OF APPEARANCE by Lindsey Kaley on behalf of National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Kaley, Lindsey) (Entered: 06/19/2019)
06/21/2019	<u>29</u>	FILING ERROR – DEFICIENT DOCKET ENTRY (SEE <u>30</u> Notice to File Amicus Brief) – CONSENT MOTION to File Amicus Brief . Document filed by Institute for Policy Integrity. (Attachments: # <u>1</u> Proposed Amicus Brief)(Revesz, Richard) Modified on 6/24/2019 (db). (Entered: 06/21/2019)
06/24/2019	<u>30</u>	NOTICE of filing of Corrected Proposed Amicus Brief re: <u>29</u> CONSENT MOTION to File Amicus Brief .. Document filed by Institute for Policy Integrity. (Revesz, Richard) (Entered: 06/24/2019)
06/26/2019		CONSOLIDATED MEMBER CASE: Create association to 1:19-cv-04676-PAE. (mro) (Entered: 06/26/2019)

06/26/2019	<u>31</u>	ORDER granting (12) Motion to Consolidate Cases in case 1:19-cv-05433-PAE; granting (20) Motion to Consolidate Cases in case 1:19-cv-05435-PAE. The Court grants the motions to consolidate cases 19 Civ. 5433 and 19 Civ. 5435 with 19 Civ. 4676. 19 Civ. 4676 shall serve as the lead case, and counsel are directed to file all filings on the docket of that case. The Clerk of Court is respectfully requested to grant the motions pending at 19 Civ. 5433, Dkt. 12, and 19 Civ. 5435, Dkt. 20. (Signed by Judge Paul A. Engelmayer on 6/26/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (mro) (Entered: 06/26/2019)
06/26/2019	<u>32</u>	ORDER FOR ADMISSION PRO HAC VICE granting (55) Motion for Jack Lienke to Appear Pro Hac Vice in case 1:19-cv-04676-PAE. (Signed by Judge Paul A. Engelmayer on 6/25/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (mro) (Entered: 06/26/2019)
06/26/2019	<u>33</u>	ORDER FOR ADMISSION PRO HAC VICE granting (53) Motion for Justin Gundlach to Appear Pro Hac Vice in case 1:19-cv-04676-PAE. (Signed by Judge Paul A. Engelmayer on 6/25/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (mro) (Entered: 06/26/2019)
06/26/2019	<u>34</u>	NOTICE OF APPEARANCE by Shannon Rose Selden on behalf of the American College of Obstetricians and Gynecologists, The American Medical Association, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Osteopathic Obstetricians and Gynecologists,, the American Society for Reproductive Medicine, the National Association of Nurse Practitioners in Womens Health, the Society for Maternal-Fetal Medicine, the American College of Nurse-Midwives, the North American Society for Pediatric and Adolescent Gynecology, the American Muslim Health Professionals. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Selden, Shannon) (Entered: 06/26/2019)
06/26/2019	<u>35</u>	NOTICE OF APPEARANCE by Anna Augusta Moody on behalf of, the American Society for Reproductive Medicine, The American Medical Association, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Nurse-Midwives, the American College of Obstetricians and Gynecologists, the American College of Osteopathic Obstetricians and Gynecologists, the American Muslim Health Professionals, the National Association of Nurse Practitioners in Womens Health, the North American Society for Pediatric and Adolescent Gynecology, the Society for Maternal-Fetal Medicine. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Moody, Anna) (Entered: 06/26/2019)
06/26/2019	<u>36</u>	FILING ERROR – DEFICIENT DOCKET ENTRY (SEE <u>77</u> Motion) – MOTION for Leave to File Amicus Brief of <i>Leading Medical Organizations</i> . Document filed by, the American Society for Reproductive Medicine, The American Medical Association, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Nurse-Midwives, the American College of Obstetricians and Gynecologists, the American College of Osteopathic Obstetricians and Gynecologists, the American Muslim Health Professionals, the National Association of Nurse Practitioners in Womens Health, the North American Society for Pediatric and Adolescent Gynecology, the Society for Maternal-Fetal Medicine. (Attachments: # <u>1</u> Appendix Motion, # <u>2</u> Exhibit Amicus Brief)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Selden, Shannon) Modified on 6/27/2019 (db). (Entered: 06/26/2019)
06/26/2019	<u>37</u>	MOTION for Leave to File Amicus Brief . Document filed by, the American Society for Reproductive Medicine, The American Medical Association, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Nurse-Midwives, the American College of Obstetricians and Gynecologists, the American College of Osteopathic Obstetricians and Gynecologists, the American Muslim Health Professionals, the National Association of Nurse Practitioners in Womens Health, the North American Society for Pediatric and Adolescent Gynecology, the Society for Maternal-Fetal Medicine. (Attachments: # <u>1</u> Exhibit Proposed Amicus Brief)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Selden, Shannon) (Entered: 06/26/2019)

06/26/2019	<u>38</u>	MEMORANDUM OF LAW in Support re: (37 in 1:19-cv-05435-PAE) MOTION for Leave to File Amicus Brief . . Document filed by, the American Society for Reproductive Medicine, The American Medical Association, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Nurse-Midwives, the American College of Obstetricians and Gynecologists, the American College of Osteopathic Obstetricians and Gynecologists, the American Muslim Health Professionals, the National Association of Nurse Practitioners in Womens Health, the North American Society for Pediatric and Adolescent Gynecology, the Society for Maternal-Fetal Medicine. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Selden, Shannon) (Entered: 06/26/2019)
06/27/2019	<u>39</u>	ORDER denying (79) Motion to Continue in case 1:19-cv-04676-PAE. The Court denies defendants' request in its entirety. Unless and until defendants either (1) supply conclusive evidence that the effective date of the Final Rule has been officially postponed; or (2) consent to a Court order that would enjoin defendants from enforcing, applying, or taking any action to implement the Final Rule until resolution of the preliminary injunction motions, the existing briefing and argument schedule remains in effect. For avoidance of doubt, defendants' opposition to plaintiffs' motions for a preliminary injunction remain due tomorrow, June 28, 2019. The Court will construe a failure to file opposition submissions on this date as signifying that defendants do not oppose plaintiffs' application for preliminary relief. SO ORDERED.. (Signed by Judge Paul A. Engelmayer on 6/27/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (ks) (Entered: 06/27/2019)
06/27/2019	<u>40</u>	ORDER denying (83) Letter Motion for Extension of Time to File Response/Reply in case 1:19-cv-04676-PAE. Denied. The Court set this schedule over a month ago on June 13, 2019. See Dkt. 38. Plaintiffs' reply is due July 5, 2019. See id. Extending defendants' time to respond at this late juncture would require plaintiffs to spend the entirety of the week of the July 4 holiday drafting a reply brief, without the benefit of a weekend. The Court carefully considered the schedule it set on June 13, 2019 and declines to modify it at this late stage. SO ORDERED.. (Signed by Judge Paul A. Engelmayer on 6/27/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (ks) (Entered: 06/27/2019)
06/28/2019	<u>41</u>	ORDER: The Court late yesterday denied, by memo endorsement, a letter motion in which defendants sought to extend today's deadline to file an opposition to plaintiffs' motions for a preliminary injunction until July 1, 2019. Dkt. 84. That ruling stands and the deadline for defendants' opposition to plaintiffs' motions for a preliminary injunction remains today. The Court, however, wishes to correct a factual error in yesterday's memo endorsement. The Court erroneously recited the date of the Order in which it set a briefing schedule on the preliminary injunction motion. That Order issued on June 7, 2019, Dkt. 27, and gave defendants two weeks, i.e., until June 28, 2019, to respond to plaintiffs' motions for a preliminary injunction, which under the Order was due, and which was timely filed, on June 14, 2019, Dkt. 41. The Court is mindful of counsels' understandable desire for additional time to brief the significant issues raised by the pending motions and shares all counsels' view that the process of reliable adjudication benefits from a measured briefing process. The Court is further mindful that counsel for the U.S. Department of Health and Human Services ("HHS") earlier this week sought additional time based on a representation by counsel that HHS will delay enforcement of the HHS rule at issue until November 22, 2019. Dkt. 79. The Court denied that request because HHS had not postponed the rule's effective date, Dkt. 82, and, without such a postponement, plaintiffs viably claimed a risk of harm, see Dkt. 80. For avoidance of doubt, the Court clarifies that, in the event of an official postponement of the effective date of the rule to November 22, 2019, the Court would suspend today's deadline for an opposition brief, set a new and more protracted schedule for submission of the remaining briefs on plaintiffs' preliminary injunction motions, and thereafter entertain applications to litigate this case instead, as defendants have proposed, via cross-motions for summary judgment. Absent an official postponement of the effective date, however, the present briefing schedule stands. (Signed by Judge Paul A. Engelmayer on 6/28/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(mro) (Entered: 06/28/2019)

06/28/2019	<u>42</u>	MEMO ENDORSEMENT granting in part (77) Motion for Leave to File Document in case 1:19-cv-04676-PAE; granting in part (32) Motion for Leave to File Document in case 1:19-cv-05433-PAE; granting in part (37) Motion for Leave to File Document in case 1:19-cv-05435-PAE. ENDORSEMENT: The Court grants the proposed amici curiae leave to submit the proposed brief and accompanying declarations and exhibits and accepts them for consideration. The Court reserves judgment on whether to permit counsel for the proposed amici curiae to present oral argument on the plaintiffs' motions for a preliminary injunction. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 6/28/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (ne) (Entered: 06/28/2019)
06/28/2019	<u>43</u>	MOTION for Leave to File Over-length Amicus Brief . Document filed by Christian Medical and Dental Associations, Regina Renee Frost. (Attachments: # <u>1</u> Exhibit Proposed over-length Amicus Brief, # <u>2</u> Exhibit Proposed Declaration of Dr. David Stevens in Support of Opposition to Motion for Preliminary Injunction, # <u>3</u> Exhibit Proposed Declaration of Dr. Regina Frost in Support of Opposition to Motion for Preliminary Injunction)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Ho, Allyson) (Entered: 06/28/2019)
06/28/2019	<u>44</u>	MEMORANDUM OF LAW in Support re: (43 in 1:19-cv-05435-PAE) MOTION for Leave to File Over-length Amicus Brief . . Document filed by Christian Medical and Dental Associations, Regina Renee Frost. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Ho, Allyson) (Entered: 06/28/2019)
07/01/2019	<u>45</u>	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]. Subject to the Court's approval, the parties through their undersigned counsel of record HEREBY STIPULATE as follows: 1. At present, Defendants' opposition to Plaintiffs' motions for a preliminary injunction is due on June 28, 2019, Plaintiffs' reply is due on July 5, 2019, and a hearing is scheduled on July 12, 2019. 2. The U.S. Department of Health and Human Services ("HHS") agrees to postpone the effective date of the rule titled Protecting Statutory Conscience Rights in Health Care; Delegations of Authority, 84 Fed. Reg. 23, 170 (May 21, 2019) ("Final Rule"), until November 22, 2019. HHS stipulates to this postponement because it is the most efficient way to adjudicate the Final Rule on the merits. HHS does not concede that Plaintiffs are "likely to succeed on the merits, 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. 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. The following deadline(s) was terminated: Reply Deadline. Response Deadline. (Signed by Judge Paul A. Engelmayer on 6/28/2019) (rjm) (Entered: 07/01/2019)
07/01/2019	<u>46</u>	ORDER. The Court has today issued the agreed-upon Order proposed by the parties at Dkt. 87-1. The Court's Order postpones the effective date of the United States Department of Health and Human Services' ("HHS") rule at issue in this litigation

		<p>("Final Rule") until November 22, 2019. The Order further vacates the preliminary injunction briefing schedule set forth in the Court's June 7, 2019, Dkt. 27, and June 13, 2019, Dkt. 38, Orders. In light of the above, it is no longer necessary for the conference scheduled for Friday, July 12, 2019 to serve as a hearing on plaintiffs' preliminary injunction motions. The Court wishes, however, promptly to put in place a schedule in this matter. The Court directs counsel for all parties in the consolidated cases comprising this litigation forthwith to meet and confer with the goals of (1) proposing a briefing schedule on plaintiffs' preliminary injunction motions, and (2) exploring whether a viable schedule can be agreed to that would permit the legality of HHS's Final Rule to be resolved instead on motions or cross-motions for summary judgment and, if so, proposing such a schedule. In considering a suitable schedule for any contemplated motion, the Court expects counsel to be mindful of the Court's interest in having sufficient time, following the completion of briefing, to hold oral argument and to consider and thoughtfully resolve the important and complex questions presented. The Court directs counsel to submit a joint letter, due at 12 noon on Wednesday, July 10, 2019, setting forth the parties' joint proposals—or, if agreement is not reached, the parties' alternative proposals—as to such schedules. If the Court determines that further consultation would assist it in setting a schedule, the Court will use the conference currently scheduled for Friday, July 12, 2019, at 2:00 p.m., to take up such questions with counsel. The Court accordingly asks lead counsel to remain available to attend a conference at that date and time, in courtroom 1305 of the Thurgood Marshall United States Courthouse, at 40 Centre Street. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 7/1/2019) Filed In Associated Cases: 1:19-cv-04676 PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (rjm) (Entered: 07/01/2019)</p>
07/02/2019	<u>47</u>	<p>ORDER. The Court yesterday adjourned the briefing schedule it had set for preliminary injunction motions in light of the parties' consent to an Order postponing the effective date of HHS's Final Rule until November 22, 2019. Dkt. 90. The Court will soon receive the parties' input as to the nature of the motions that will henceforth be made and the schedule for briefing them. In light of this development, the Court adjourns the deadlines it had set for submission of amicus briefs, which deadlines had been tied to the preliminary injunction schedule. The Court expects that the schedule the parties will propose will include dates for the submission of amicus briefs. For avoidance of doubt, to the extent that an amicus has submitted a brief in this case, such filing will not preclude that amicus from filing a new (superseding) brief on the schedule to be set. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 7/2/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE. (rjm) (Entered: 07/02/2019)</p>
07/08/2019	<u>48</u>	<p>NOTICE OF APPEARANCE by Benjamin Thomas Takemoto on behalf of Alex M. Azar II, Office for Civil Rights, Office for Civil Rights of the U.S. Department of Health and Human Services, Roger Severino, United States Department of Health and Human Services, United States of America, Alex M. Azar II, Office for Civil Rights, Roger Severino, Alex M. Azar, II, Roger Severino, U.S. Department of Health and Human Services. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Takemoto, Benjamin) (Entered: 07/08/2019)</p>
07/09/2019	<u>49</u>	<p>NOTICE OF APPEARANCE by Hana Bajramovic on behalf of Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc.. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Bajramovic, Hana) (Entered: 07/09/2019)</p>
07/11/2019	<u>50</u>	<p>ORDER: The Court has received the parties' joint letter outlining potential briefing and argument schedules and raising the question whether the motion to be litigated is properly one for a preliminary injunction or for summary judgment based on the administrative record. The Court thanks counsel for a thoughtful and informative letter. The Court's judgment is that it would benefit, in deciding on the proper course, from a conference with counsel. The Court accordingly will utilize the conference scheduled for tomorrow, July 12, 2019, at 2:00 p.m., for that purpose. For avoidance of doubt, the Court will not use tomorrow's conference to take up merits issues. The Court does expect, however, that counsel come prepared knowledgeably to discuss the nature of the issues to be litigated; the scale and nature of the administrative record; the relationship and interplay between this case and apparently parallel litigation in the</p>

		Northern District of California; whether there is logic to litigating contemporaneously a motion for a preliminary injunction alongside a motion for summary judgment; and the arguments for and against various proposed schedules. The Court expects to resolve these questions at or shortly following tomorrow's hearing. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 7/11/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(rj) (Entered: 07/11/2019)
07/11/2019	<u>51</u>	ORDER granting (114) Letter Motion for Conference in case 1:19-cv-04676-PAE: Granted. The Governmental Plaintiffs are directed to provide the Court, via email, with a conference number and a list of auditing participants by 12:00 p.m. tomorrow. The auditing participants should be on the line 5 minutes in advance of the conference time, at 1:55 p.m. (Signed by Judge Paul A. Engelmayer on 7/11/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 07/11/2019)
07/12/2019	<u>52</u>	MOTION for Elizabeth Olmsted Gill to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc..(Gill, Elizabeth) (Entered: 07/12/2019)
07/12/2019		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE re: Document No. 52 MOTION for Elizabeth Olmsted Gill to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California; the filing fee was not paid;. Re-file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order. Pay the filing fee using the event Pro Hac Vice Fee Payment found under the event list Other Documents. (wb) (Entered: 07/12/2019)
07/12/2019	<u>53</u>	MOTION for Daniel Mach to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17234887. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc.. (Attachments: # <u>1</u> Affidavit Affidavit of Daniel Mach in Support of Motion to Admit Pro Hac Vice, # <u>2</u> Text of Proposed Order Proposed Order for Admission Pro Hac Vice, # <u>3</u> District of Columbia Certificate of Good Standing, # <u>4</u> New York Certificate of Good Standing)(Mach, Daniel) (Entered: 07/12/2019)
07/12/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 53 MOTION for Daniel Mach to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17234887. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc) (Entered: 07/12/2019)
07/12/2019	<u>54</u>	MOTION for Robert E. Dunn to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number NYSDC-17236369. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Christian Medical and Dental Associations, Regina Renee Frost. (Attachments: # <u>1</u> Affidavit Declaration in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Exhibit CA Certificate of Good Standing, # <u>3</u> Text of Proposed Order)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Dunn, Robert) (Entered: 07/12/2019)
07/12/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. (50 in 1:19-cv-05433-PAE, 117 in 1:19-cv-04676-PAE, 54 in 1:19-cv-05435-PAE) MOTION for Robert E. Dunn to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number NYSDC-17236369. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(jc) (Entered: 07/12/2019)
07/12/2019	<u>55</u>	MOTION for Jason H. Hilborn to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number NYSDC-17236645. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Christian Medical and Dental Associations, Regina Renee Frost. (Attachments: # <u>1</u> Affidavit Declaration in Support of Motion for

		Admission Pro Hac Vice, # <u>2</u> Exhibit NY Certificate of Good Standing, # <u>3</u> Exhibit FL Certificate of Good Standing, # <u>4</u> Exhibit DC Certificate of Good Standing, # <u>5</u> Text of Proposed Order) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Hilborn, Jason) (Entered: 07/12/2019)
07/12/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. (118 in 1:19-cv-04676-PAE, 55 in 1:19-cv-05435-PAE, 51 in 1:19-cv-05433-PAE) MOTION for Jason H. Hilborn to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number NYSDC-17236645. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(jc) (Entered: 07/12/2019)
07/12/2019	<u>56</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>53</u> Motion for Daniel Mach to Appear Pro Hac Vice. (Signed by Judge Paul A. Engelmayer on 7/12/2019) (ks) (Entered: 07/12/2019)
07/16/2019	<u>57</u>	ORDER terminating (88) Letter Motion for Leave to File Document in case 1:19-cv-04676-PAE. The Court accordingly sets the following schedule: July 22, 2019: Defendants produce the administrative record ("A.R.") to plaintiffs and file a certified list of the contents of the A.R. with the Court. August 14, 2019: Defendants file their motion for summary judgment and their opposition to plaintiffs' motions for a preliminary injunction. Defendants are to file a single brief addressing these subjects. August 21, 2019: Amicus briefs supporting defendants are to be filed. September 5, 2019: Plaintiffs file their oppositions to defendants' summary judgment motion, their cross-motions for summary judgment, and their replies in support of their motions for a preliminary injunction. Plaintiffs are to file single briefs addressing these subjects. September 12, 2019: Amicus briefs supporting plaintiffs are to be filed. September 19, 2019: Defendants file their reply in support of the motion for summary judgment and their opposition to plaintiffs' motions for summary judgment. Defendants are to file a single brief addressing these subjects. October 3, 2019: Plaintiffs file their reply briefs in support of their motions for summary judgment. October 18, 2019: Oral argument will be held, beginning at 9:30 a.m., at the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, N.Y. 10007. The courtroom at which argument will be held is to be determined. As to the mechanics of briefing, although the Court expects that the plaintiffs will coordinate amongst themselves to avoid unnecessary duplication of briefing, the Court does not direct that plaintiffs file a single consolidated brief but will allow two separate briefs, one each from the government plaintiffs (19 Civ. 4676) and the provider plaintiffs (19 Civ. 5433 and 19 Civ. 5435). The Court sets the following page limits for each party's submissions. Defendants' opening brief (due August 14) is limited to 80 pages. Plaintiffs' briefs (due September 5) are limited to 50 pages each. Defendants' brief (due September 19) is limited to 50 pages. Plaintiffs' reply briefs (due October 3) are limited to 30 pages each. All amicus briefs are limited to 25 pages. The Court is conscious that there is a pending motion to intervene in this case, see Dkts. 64, 109, that will become fully briefed today. The Court will address the proposed intervenor's participation in the schedule, if necessary, upon resolution of that motion. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 7/16/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (anc) Modified on 7/17/2019 (anc). (Entered: 07/16/2019)
07/16/2019		Set/Reset Deadlines: Cross Motions due by 9/5/2019. Motions due by 8/14/2019. Responses due by 9/19/2019. Replies due by 10/3/2019. Set/Reset Hearings: Oral Argument set for 10/18/2019 at 09:30 AM before Judge Paul A. Engelmayer. Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(anc) (Entered: 07/16/2019)
07/16/2019	<u>58</u>	ORDER FOR ADMISSION PRO HAC VICE granting (118) Motion for Robert E. Dunn to Appear Pro Hac Vice in case 1:19-cv-04676-PAE; granting (51) Motion for Robert E. Dunn to Appear Pro Hac Vice in case 1:19-cv-05433-PAE; granting (55) Motion for Robert E. Dunn to Appear Pro Hac Vice in case 1:19-cv-05435-PAE. (Signed by Judge Paul A. Engelmayer on 7/15/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (mro) (Entered: 07/16/2019)

07/16/2019	<u>59</u>	ORDER FOR ADMISSION PROHACVICE on re: (118 in 1:19-cv-04676-PAE, 51 in 1:19-cv-05433-PAE, 55 in 1:19-cv-05435-PAE) MOTION for Jason H. Hilborn to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number NYSDC-17236645. Motion and supporting papers to be reviewed by Clerk's Office staff. filed by Regina Renee Frost, Christian Medical and Dental Associations. The motion of Jason H. Hilborn, for admission to practice Pro Hae Vice in the above captioned action is granted. IT IS HEREBY ORDERED that Applicant is admitted to practice Pro Hae Vice in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 7/15/2019) (kv) Modified on 9/29/2019 (kv). (Entered: 07/16/2019)
07/16/2019		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Initial Pretrial Conference held on 7/16/2019. Matthew Colangelo, Diana Salgado & Alexa Kolbi-Molinas present for Plaintiffs. Benjamin Takemoto present for Defendants. Court reporter present. (ajs) (Entered: 07/17/2019)
07/19/2019	<u>60</u>	ORDER granting (130) Motion to Authorize in case 1:19-cv-04676-PAE. Defendants' motion for entry of order is GRANTED. Defendants are authorized to release the information described in Defendants' motion that may be covered by the Privacy Act, 5 U.S.C. § 552a, without obtaining the prior written consent of the individuals to whom such records or information pertain. IT IS SO ORDERED. (Signed by Judge Paul A. Engelmayer on 7/19/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (rro) (Entered: 07/19/2019)
07/29/2019	<u>61</u>	AFFIDAVIT OF SERVICE. All Defendants. Service was made by MAIL. Document filed by Public Health Solutions, Inc., National Family Planning and Reproductive Health Association. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3)(Kaley, Lindsey) (Entered: 07/29/2019)
07/30/2019		Pro Hac Vice Fee Payment: for <u>52</u> MOTION for Elizabeth Olmsted Gill to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Filing fee \$ 200.00, receipt number ANYSDC-17341240.(Gill, Elizabeth) (Entered: 07/30/2019)
07/30/2019	<u>62</u>	MOTION for Elizabeth Olmsted Gill to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by National Family Planning and Reproductive Health Association, Public Health Solutions, Inc..(Gill, Elizabeth) (Entered: 07/30/2019)
07/31/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>62</u> MOTION for Elizabeth Olmsted Gill to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 07/31/2019)
07/31/2019	<u>63</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>54</u> MOTION for Robert E. Dunn to Appear Pro Hac Vice. (Signed by Judge Paul A. Engelmayer on 7/31/2019) (jca) (Entered: 07/31/2019)
07/31/2019	<u>64</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>62</u> MOTION for Elizabeth Olmsted Gill to Appear Pro Hac Vice. (Signed by Judge Paul A. Engelmayer on 7/31/2019) (jca) (Entered: 07/31/2019)
08/02/2019	<u>65</u>	OPINION & ORDER re: (64 in 1:19-cv-04676-PAE) MOTION to Intervene: For the reasons reviewed above, the Court denies CMDA and Dr. Frost's motion for intervention of right but grants their motion for permissive intervention. The Clerk of Court is respectfully requested to terminate the motion pending at Dkt. 64 and to add Dr. Regina Frost and the Christian Medical and Dental Association to the caption of this case as defendants. The Court authorizes CMDA and Dr. Frost to file a single consolidated brief, not to exceed 30 pages, in opposition to plaintiffs' motions for a preliminary injunction by August 14, 2019. They are also at liberty, within that single brief and that page limit, to move for summary judgment. In the event that CMDA and Dr. Frost do so move, their reply in support of the motion for summary judgment, not to exceed 15 pages, is due September 19, 2019. The Court will permit CMDA and Dr. Frost's counsel to participate in argument on October 18, 2019. (Regina Frost and

		Christian Medical and Dental Association added.) (Signed by Judge Paul A. Engelmayer on 8/2/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(jwh) (Entered: 08/02/2019)
08/12/2019	<u>66</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Adam Grogg to Withdraw as Attorney . Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Grogg, Adam) Modified on 10/8/2019 (db). (Entered: 08/12/2019)
08/13/2019	<u>67</u>	ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFFS granting (143) Motion to Withdraw as Attorney; granting (58) Motion to Withdraw as Attorney; granting (66) Motion to Withdraw as Attorney: Adam Grogg seeks leave to withdraw as counsel for plaintiffs Planned Parenthood Federation of America, Inc., and Planned Parenthood of Northern New England, Inc., in No. 19-cv-5433. The Court concludes that the motion be granted. (Attorney Adam Grogg terminated) (Signed by Judge Paul A. Engelmayer on 8/13/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 08/13/2019)
08/14/2019	<u>68</u>	ORDER GRANTING MOTION FOR WITHDRAWAL OF ATTORNEY granting (144) Motion to Withdraw as Attorney. in case 1:19-cv-04676-PAE. It is hereby ORDERED that: 1. Ms. Deutsch's appearance as counsel in this case is withdrawn. 2. The Clerk of the Court shall update case records accordingly. So ORDERED. (Signed by Judge Paul A. Engelmayer on 8/14/19) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (yv) (Entered: 08/14/2019)
08/14/2019	<u>69</u>	MOTION to Dismiss <i>or, in the Alternative, for Summary Judgment</i> . Document filed by Alex M. Azar, II, Office for Civil Rights of the U.S. Department of Health and Human Services, Roger Severino, U.S. Department of Health and Human Services. Responses due by 9/5/2019 (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Humphreys, Bradley) (Entered: 08/14/2019)
08/14/2019	<u>70</u>	MEMORANDUM OF LAW in Support re: <u>69</u> MOTION to Dismiss <i>or, in the Alternative, for Summary Judgment. and in Opposition to Plaintiffs' Motion for Preliminary Injunction</i> . Document filed by Alex M. Azar, II, Office for Civil Rights of the U.S. Department of Health and Human Services, Roger Severino, U.S. Department of Health and Human Services. (Humphreys, Bradley) (Entered: 08/14/2019)
08/16/2019	<u>71</u>	ORDER with respect to (157) Letter Motion to Compel in case 1:19-cv-04676-PAE. The Court has received plaintiffs' letter dated 8/15/2019, indicating that the administrative record, which the Court ordered to be produced on 7/22/2019, has yet to be produced in complete form. The Court has nor previously been aware of this circumstance, and defendants have not sought leave of Court to extend the 7/22/2019 deadline. The Court directs defendants to respond in writing by 5 p.m. today, 8/16/2019, addressing whether the complete administrative record has not been produced, the Court directs that it be produced by 5 p.m. on Monday, 8/19/2019, and counsel for defendants by that date and time file a sworn certification on the docket of this case representing that the administrative record has been filed in complete form. The Court hereby schedules a conference for Wednesday, 8/21/2019, at 11 a.m., which will be held in the event that defendants have not certified, by 5 p.m. on 8/19/2019, that complete administrative record has been produced. The purpose of the conference would be to determine whether sanctions, including contempt sanctions, are appropriate, for the unexcused failure to comply with the aspect of the scheduling order in this case setting a deadline for production of the administrative record, and to determine whether any modifications to the briefing schedule are necessary. (Signed by Judge Paul A. Engelmayer on 8/16/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (tro) (Entered: 08/16/2019)
08/16/2019		Set/Reset Deadlines as to (157 in 1:19-cv-04676-PAE) LETTER MOTION to Compel defendants to complete the administrative record addressed to Judge Paul A. Engelmayer from Matthew Colangelo dated August 15, 2019.. Responses due by 8/16/2019 Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE,

		1:19-cv-05435-PAE(tro) (Entered: 08/16/2019)
08/16/2019		Set/Reset Hearings: Status Conference set for 8/21/2019 at 11:00 AM before Judge Paul A. Engelmayer. Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(tro) (Entered: 08/16/2019)
08/19/2019	<u>72</u>	ORDER re: (161 in 1:19-cv-04676-PAE) Notice: In light of the Government's certification that it has produced the full administrative record to the Plaintiffs, Dkt. 161, the conference scheduled for August 21, 2019 is adjourned. (Signed by Judge Paul A. Engelmayer on 8/19/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(jwh) (Entered: 08/20/2019)
08/21/2019	<u>73</u>	MOTION for Denise Mayo Harle to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number NYSDC-17469700. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Association of Pro-Life Obstetricians & Gynecologists, American College of Pediatricians, Catholic Medical Association, National Catholic Bioethics Center. (Attachments: # <u>1</u> Affidavit Affidavit of Denise Harle in Support of PHV Motion, # <u>2</u> Exhibit FL Certificate of Good Standing, # <u>3</u> Exhibit GA Certificate of Good Standing, # <u>4</u> Text of Proposed Order Proposed Order)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Harle, Denise) (Entered: 08/21/2019)
08/21/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>73</u> MOTION for Denise Mayo Harle to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17469700. Motion and supporting papers to be reviewed by Clerk's Office staff. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/21/2019)
08/21/2019	<u>74</u>	NOTICE OF APPEARANCE by Denise Harle on behalf of American Association of Pro-Life Obstetricians & Gynecologists, American College of Pediatricians, Catholic Medical Association, National Catholic Bioethics Center. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Harle, Denise) (Entered: 08/21/2019)
08/21/2019	<u>75</u>	MOTION for Leave to File Amicus Brief <i>in Support of Defendants' Motion for Summary Judgment</i> . Document filed by American Association of Pro-Life Obstetricians & Gynecologists, American College of Pediatricians, Catholic Medical Association, National Catholic Bioethics Center. (Attachments: # <u>1</u> Proposed Amicus Brief, # <u>2</u> Text of Proposed Order Proposed Order)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Harle, Denise) (Entered: 08/21/2019)
08/22/2019	<u>76</u>	ORDER GRANTING UNOPPOSED MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF IN SUPPORT OF DEFENDANTS granting (171) Motion for Leave to File Document in case 1:19-cv-04676-PAE; granting (67) Motion for Leave to File Document in case 1:19-cv-05433-PAE; granting (75) Motion for Leave to File Document in case 1:19-cv-05435-PAE: Having considered the papers and pleadings on file, the Court GRANTS the Motion and ORDERS that the amicus curiae brief submitted by Alliance Defending Freedom be filed. (Signed by Judge Paul A. Engelmayer on 8/22/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 08/22/2019)
08/22/2019	<u>77</u>	ORDER FOR ADMISSION PRO HAC VICE granting (169) in case 1:19-cv-04676-PAE; granting (65) in case 1:19-cv-05433-PAE; granting (73) in case 1:19-cv-05435-PAE Motion for Denise Mayo Harle to Appear Pro Hac Vice. (Signed by Judge Paul A. Engelmayer on 8/21/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 08/22/2019)
08/30/2019	<u>78</u>	LETTER MOTION for Leave to File Excess Pages addressed to Judge Paul A. Engelmayer from Sarah Mac Dougall dated 8/30/2019. Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc..Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Mac Dougall, Sarah) (Entered: 08/30/2019)
09/03/2019	<u>79</u>	ORDER granting (175) Letter Motion for Leave to File Excess Pages in case 1:19-cv-04676-PAE; granting (71) Letter Motion for Leave to File Excess Pages in

		case 1:19-cv-05433-PAE; granting (78) Letter Motion for Leave to File Excess Pages in case 1:19-cv-05435-PAE. Granted. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 9/3/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE. (ne) (Entered: 09/04/2019)
09/03/2019	<u>80</u>	ORDER granting (176) Letter Motion for Leave to File Document in case 1:19-cv-04676-PAE. Granted. So Ordered. (Signed by Judge Paul A. Engelmayer on 9/3/19) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (yv) (Entered: 09/04/2019)
09/05/2019	<u>81</u>	MOTION for Summary Judgment . Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc..(Mac Dougall, Sarah) (Entered: 09/05/2019)
09/05/2019	<u>82</u>	MEMORANDUM OF LAW in Support re: <u>81</u> MOTION for Summary Judgment . <i>in Opposition to Defendants' Motion for Summary Judgment, and in Further Support of Plaintiffs' Motion for Preliminary Injunction.</i> Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc.. (Mac Dougall, Sarah) (Entered: 09/05/2019)
09/05/2019	<u>83</u>	DECLARATION of Kimberly Custer (Second) in Support re: <u>81</u> MOTION for Summary Judgment .. Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc.. (Mac Dougall, Sarah) (Entered: 09/05/2019)
09/05/2019	<u>84</u>	DECLARATION of Meagan Gallagher (Second) in Support re: <u>81</u> MOTION for Summary Judgment .. Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc.. (Mac Dougall, Sarah) (Entered: 09/05/2019)
09/05/2019	<u>85</u>	DECLARATION of Clare M. Coleman (Second) in Support re: <u>81</u> MOTION for Summary Judgment .. Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc.. (Mac Dougall, Sarah) (Entered: 09/05/2019)
09/05/2019	<u>86</u>	DECLARATION of Lisa David (Second) in Support re: <u>81</u> MOTION for Summary Judgment .. Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc.. (Mac Dougall, Sarah) (Entered: 09/05/2019)
09/06/2019	<u>87</u>	MOTION for Julie Wilensky to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number NYSDC-17556811. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by National Center for Lesbian Rights. (Attachments: # <u>1</u> Affidavit of Julie Wilensky, # <u>2</u> Exhibit CA Certificate of Good Standing, # <u>3</u> Exhibit NY Certificate of Good Standing, # <u>4</u> Exhibit CT Certificate of Good Standing, # <u>5</u> Text of Proposed Order)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Wilensky, Julie) (Entered: 09/06/2019)
09/09/2019	<u>88</u>	ORDER GRANTING MOTION FOR ADMISSION PRO HAC VICE granting (189) Motion for Julie Wilensky to Appear Pro Hac Vice in case 1:19-cv-04676-PAE; granting (80) Motion for Julie Wilensky to Appear Pro Hac Vice in case 1:19-cv-05433-PAE; granting (87) Motion for Julie Wilensky to Appear Pro Hac Vice in case 1:19-cv-05435-PAE. (Signed by Judge Paul A. Engelmayer on 9/9/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 09/09/2019)
09/10/2019	<u>89</u>	LETTER MOTION for Leave to File Excess Pages addressed to Judge Paul A. Engelmayer from Robert E. Dunn dated September 10, 2019. Document filed by Christian Medical and Dental Associations, Regina Renee Frost, Christian Medical and Dental Association, Regina Frost.Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Dunn, Robert) (Entered: 09/10/2019)
09/11/2019	<u>90</u>	ORDER granting (192) Letter Motion for Leave to File Excess Pages in case 1:19-cv-04676-PAE; granting (82) Letter Motion for Leave to File Excess Pages in case 1:19-cv-05433-PAE; granting (89) Letter Motion for Leave to File Excess

		Pages in case 1:19-cv-05435-PAE. Granted. (Signed by Judge Paul A. Engelmayer on 9/11/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (mro) (Entered: 09/11/2019)
09/12/2019	<u>91</u>	MOTION for Leave to File Brief of Amici Curiae of <i>NCLR et al.</i> Document filed by National Center for Lesbian Rights. (Attachments: # <u>1</u> Brief of NCLR et al. as Amici Curiae)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Wilensky, Julie) (Entered: 09/12/2019)
09/12/2019	<u>92</u>	NOTICE OF APPEARANCE by Stephanie Schuster on behalf of The National LGBT Cancer Network, Callen Lorde Community Health Center, Care Resource Community Health Centers, Inc., Howard Brown Health, Legacy Community Health Services, Inc., National LGBTQ Task Force. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Schuster, Stephanie) (Entered: 09/12/2019)
09/12/2019	<u>93</u>	CONSENT MOTION to File Amicus Brief . Document filed by Callen Lorde Community Health Center, Care Resource Community Health Centers, Inc., Howard Brown Health, Legacy Community Health Services, Inc., National LGBTQ Task Force, The National LGBT Cancer Network. (Attachments: # <u>1</u> Brief in Support of Plaintiff's Motion For Summary Judgment)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Schuster, Stephanie) (Entered: 09/12/2019)
09/12/2019	<u>94</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Geraldine E. Edens to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number NYSDC-17591569. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Callen Lorde Community Health Center, Care Resource Community Health Centers, Inc., Howard Brown Health, Legacy Community Health Services, Inc., National LGBTQ Task Force, The National LGBT Cancer Network. (Attachments: # <u>1</u> Exhibit A – Affidavit in Support of Motion, # <u>2</u> Exhibit B – Certificates of Good Standing, # <u>3</u> Text of Proposed Order)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Edens, Geraldine) Modified on 9/13/2019 (wb). (Entered: 09/12/2019)
09/12/2019	<u>95</u>	MEMO ENDORSEMENT granting (194) Motion for Leave to File Document in case 1:19-cv-04676-PAE; granting (84) Motion for Leave to File Document in case 1:19-cv-05433-PAE; granting (91) Motion for Leave to File Document in case 1:19-cv-05435-PAE. ENDORSEMENT: Granted. (Signed by Judge Paul A. Engelmayer on 9/12/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 09/12/2019)
09/12/2019	<u>96</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Susan Baker Manning to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number NYSDC-17591611. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Callen Lorde Community Health Center, Care Resource Community Health Centers, Inc., Howard Brown Health, Legacy Community Health Services, Inc., National LGBTQ Task Force, The National LGBT Cancer Network. (Attachments: # <u>1</u> Exhibit A – Affidavit in Support of Motion, # <u>2</u> Exhibit B – Certificates of Good Standing, # <u>3</u> Text of Proposed Order)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Baker Manning, Susan) Modified on 9/13/2019 (wb). (Entered: 09/12/2019)
09/12/2019	<u>97</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Susan Feigin Harris to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number NYSDC-17591637. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Callen Lorde Community Health Center, Care Resource Community Health Centers, Inc., Howard Brown Health, Legacy Community Health Services, Inc., National LGBTQ Task Force, The National LGBT Cancer Network. (Attachments: # <u>1</u> Exhibit A – Affidavit in Support of Motion, # <u>2</u> Exhibit B – Certificate of Good Standing, # <u>3</u> Text of Proposed Order)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Harris, Susan) Modified on 9/13/2019 (wb). (Entered: 09/12/2019)

09/12/2019	<u>98</u>	MOTION for Leave to File Amicus Brief . Document filed by, the American Society for Reproductive Medicine, The American Medical Association, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Nurse–Midwives, the American College of Obstetricians and Gynecologists, the American College of Osteopathic Obstetricians and Gynecologists, the American Muslim Health Professionals, the National Association of Nurse Practitioners in Womens Health, the North American Society for Pediatric and Adolescent Gynecology, the Society for Maternal–Fetal Medicine, the World Professional Association for Transgender Health. (Attachments: # <u>1</u> Exhibit 1 – Proposed Amicus Brief)Filed In Associated Cases: 1:19–cv–04676–PAE, 1:19–cv–05433–PAE, 1:19–cv–05435–PAE(Selden, Shannon) (Entered: 09/12/2019)
09/12/2019	<u>99</u>	MEMORANDUM OF LAW in Support re: (98 in 1:19–cv–05435–PAE) MOTION for Leave to File Amicus Brief . . Document filed by, the American Society for Reproductive Medicine, The American Medical Association, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Nurse–Midwives, the American College of Obstetricians and Gynecologists, the American College of Osteopathic Obstetricians and Gynecologists, the American Muslim Health Professionals, the National Association of Nurse Practitioners in Womens Health, the North American Society for Pediatric and Adolescent Gynecology, the Society for Maternal–Fetal Medicine, the World Professional Association for Transgender Health. Filed In Associated Cases: 1:19–cv–04676–PAE, 1:19–cv–05433–PAE, 1:19–cv–05435–PAE(Selden, Shannon) (Entered: 09/12/2019)
09/12/2019	<u>100</u>	NOTICE OF APPEARANCE by Peter M. Skinner on behalf of City of Columbus. Filed In Associated Cases: 1:19–cv–04676–PAE, 1:19–cv–05433–PAE, 1:19–cv–05435–PAE(Skinner, Peter) (Entered: 09/12/2019)
09/12/2019	<u>101</u>	MOTION for Leave to File AMICUS CURIAE BRIEF . Document filed by City of Columbus. (Attachments: # <u>1</u> BRIEF OF AMICI CURIAE LOCAL GOVERNMENTS, # <u>2</u> Text of Proposed Order)Filed In Associated Cases: 1:19–cv–04676–PAE, 1:19–cv–05433–PAE, 1:19–cv–05435–PAE(Skinner, Peter) (Entered: 09/12/2019)
09/12/2019	<u>102</u>	LETTER MOTION for Oral Argument / <i>Letter Requesting Oral Argument</i> addressed to Judge Paul A. Engelmayer from Shannon Rose Selden dated September 12, 2019. Document filed by, the American Society for Reproductive Medicine, The American Medical Association, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Nurse–Midwives, the American College of Obstetricians and Gynecologists, the American College of Osteopathic Obstetricians and Gynecologists, the American Muslim Health Professionals, the National Association of Nurse Practitioners in Womens Health, the North American Society for Pediatric and Adolescent Gynecology, the Society for Maternal–Fetal Medicine, the World Professional Association for Transgender Health.Filed In Associated Cases: 1:19–cv–04676–PAE, 1:19–cv–05433–PAE, 1:19–cv–05435–PAE(Selden, Shannon) (Entered: 09/12/2019)
09/13/2019		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE–FILE Document No. <u>96</u> MOTION for Susan Baker Manning to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–17591611. Motion and supporting papers to be reviewed by Clerk's Office staff., <u>97</u> MOTION for Susan Feigin Harris to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–17591637. Motion and supporting papers to be reviewed by Clerk's Office staff., <u>94</u> MOTION for Geraldine E. Edens to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–17591569. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California, Florida, and Texas;. Re–file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (wb) (Entered: 09/13/2019)
09/13/2019	<u>103</u>	MOTION for Susan Feigin Harris to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Callen Lorde Community Health Center, Care Resource Community Health Centers, Inc., Howard

		Brown Health, Legacy Community Health Services, Inc., National LGBTQ Task Force, The National LGBT Cancer Network. (Attachments: # <u>1</u> Exhibit A – Affidavit in Support of Motion, # <u>2</u> Exhibit B – Certificate of Good Standing, # <u>3</u> Text of Proposed Order) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Harris, Susan) (Entered: 09/13/2019)
09/13/2019		>>> NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>103</u> MOTION for Susan Feigin Harris to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 09/13/2019)
09/13/2019	<u>104</u>	LETTER addressed to Judge Paul A. Engelmayer from Shannon R. Selden dated September 13, 2019 re: withdrawal of oral argument request (Dkt. 207). Document filed by, the American Society for Reproductive Medicine, the American Academy of Pediatrics, the American College of Emergency Physicians, the American College of Nurse-Midwives, the American College of Obstetricians and Gynecologists, the American College of Osteopathic Obstetricians and Gynecologists, the American Muslim Health Professionals, the National Association of Nurse Practitioners in Womens Health, the North American Society for Pediatric and Adolescent Gynecology, the Society for Maternal-Fetal Medicine, the World Professional Association for Transgender Health, The American Medical Association. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Selden, Shannon) (Entered: 09/13/2019)
09/13/2019	<u>105</u>	MEMO ENDORSEMENT granting (202) Motion to File Amicus Brief in case 1:19-cv-04676-PAE. ENDORSEMENT: Granted. (Signed by Judge Paul A. Engelmayer on 9/13/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 09/13/2019)
09/13/2019	<u>106</u>	ORDER granting (206) Motion for Leave to File Document in case 1:19-cv-04676-PAE; granting (94) Motion for Leave to File Document in case 1:19-cv-05433-PAE; granting (101) Motion for Leave to File Document in case 1:19-cv-05435-PAE: On September 12, 2019, fifteen amici curiae local governments moved for leave to file a brief in support of Plaintiffs' motion for summary judgment in these actions. Having considered the papers and pleadings on file, the Court GRANTS the motion and ORDERS that the brief be filed. (Signed by Judge Paul A. Engelmayer on 9/13/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 09/13/2019)
09/13/2019	<u>107</u>	MEMO ENDORSEMENT granting (203) Letter Motion for Leave to File Document in case 1:19-cv-04676-PAE; granting (91) Letter Motion for Leave to File Document in case 1:19-cv-05433-PAE; granting (98) Letter Motion for Leave to File Document in case 1:19-cv-05435-PAE. ENDORSEMENT: Granted. (Signed by Judge Paul A. Engelmayer on 9/13/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 09/13/2019)
09/13/2019	<u>108</u>	MEMO ENDORSEMENT granting (197) Motion to File Amicus Brief in case 1:19-cv-04676-PAE; granting (86) Motion to File Amicus Brief in case 1:19-cv-05433-PAE; granting (93) Motion to File Amicus Brief in case 1:19-cv-05435-PAE. ENDORSEMENT: Granted. The amici are granted leave to file the brief, and the Court will consider the proposed brief. (Signed by Judge Paul A. Engelmayer on 9/13/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 09/13/2019)
09/16/2019	<u>109</u>	ORDER FOR ADMISSION PRO HAC VICE granting (208) Motion for Susan Feigin Harris to Appear Pro Hac Vice in case 1:19-cv-04676-PAE; granting (96) Motion for Susan Feigin Harris to Appear Pro Hac Vice in case 1:19-cv-05433-PAE; granting (103) Motion for Susan Feigin Harris to Appear Pro Hac Vice in case 1:19-cv-05435-PAE. (Signed by Judge Paul A. Engelmayer on 9/16/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 09/16/2019)
09/16/2019	<u>110</u>	ORDER terminating (207) Letter Motion for Oral Argument in case 1:19-cv-04676-PAE; terminating (95) Letter Motion for Oral Argument in case 1:19-cv-05433-PAE; terminating (102) Letter Motion for Oral Argument in case 1:19-cv-05435-PAE. The Court appreciates this letter and respectfully requests the Clerk of the Court to terminate the motion pending at Dkt. 207. (Signed by Judge Paul

		A. Engelmayer on 9/16/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (cf) (Entered: 09/16/2019)
09/17/2019	<u>111</u>	MOTION for Susan Baker Manning to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Callen Lorde Community Health Center, Care Resource Community Health Centers, Inc., Howard Brown Health, Legacy Community Health Services, Inc., National LGBTQ Task Force, The National LGBT Cancer Network. (Attachments: # <u>1</u> Exhibit A – Affidavit in Support of Motion, # <u>2</u> Exhibit B – Certificates of Good Standing, # <u>3</u> Text of Proposed Order)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Baker Manning, Susan) (Entered: 09/17/2019)
09/17/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>111</u> MOTION for Susan Baker Manning to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 09/17/2019)
09/18/2019	<u>112</u>	MOTION for Geraldine E. Edens to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Callen Lorde Community Health Center, Care Resource Community Health Centers, Inc., Howard Brown Health, Legacy Community Health Services, Inc., National LGBTQ Task Force, The National LGBT Cancer Network. (Attachments: # <u>1</u> Exhibit A – Affidavit in Support of Motion, # <u>2</u> Exhibit B – Certificates of Good Standing, # <u>3</u> Text of Proposed Order)Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Edens, Geraldine) (Entered: 09/18/2019)
09/19/2019	<u>113</u>	ORDER FOR ADMISSION PRO HAC VICE granting (198) Motion for Geraldine E. Edens to Appear Pro Hac Vice; granting (218) Motion for Geraldine E. Edens to Appear Pro Hac Vice in case 1:19-cv-04676-PAE; granting (87) Motion for Geraldine E. Edens to Appear Pro Hac Vice; granting (105) Motion for Geraldine E. Edens to Appear Pro Hac Vice in case 1:19-cv-05433-PAE; granting (112) Motion for Geraldine E. Edens to Appear Pro Hac Vice in case 1:19-cv-05435-PAE. The motion of Geraldine E. Edens, for admission to practice Pro Hae Vice in the above captioned action is GRANTED. IT IS HEREBY ORDERED that Applicant is admitted to practice Pro Hac Vice in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing the discipline of attorneys. (Signed by Judge Paul A. Engelmayer on 9/18/19) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (yv) (Entered: 09/19/2019)
09/19/2019	<u>114</u>	ORDER FOR ADMISSION PRO HAC VICE granting (217) Motion for Susan Baker Manning to Appear Pro Hac Vice in case 1:19-cv-04676-PAE; granting (89) Motion for Susan Baker Manning to Appear Pro Hac Vice; granting (104) Motion for Susan Baker Manning to Appear Pro Hac Vice in case 1:19-cv-05433-PAE; granting (111) Motion for Susan Baker Manning to Appear Pro Hac Vice in case 1:19-cv-05435-PAE. The motion of Susan Baker Manning, for admission to practice Pro Hac Vice in the above captioned action is GRANTED. IT IS HEREBY ORDERED that Applicant is admitted to practice Pro Hac Vice in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing the discipline of attorneys. (Signed by Judge Paul A. Engelmayer on 9/18/19) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (yv) (Entered: 09/19/2019)
09/24/2019	<u>115</u>	NOTICE OF APPEARANCE by Benjamin Daniel Battles on behalf of State of Vermont. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Battles, Benjamin) (Entered: 09/24/2019)
10/03/2019	<u>116</u>	REPLY MEMORANDUM OF LAW in Support re: (74 in 1:19-cv-05433-PAE) MOTION for Summary Judgment ., (81 in 1:19-cv-05435-PAE) MOTION for Summary Judgment ., (183 in 1:19-cv-04676-PAE) MOTION for Summary Judgment . . Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc.. Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Mac Dougall,

		Sarah) (Entered: 10/03/2019)
10/14/2019	<u>117</u>	LETTER addressed to Judge Paul A. Engelmayer from David M. Zionts dated October 14, 2019 re: Presentation of Arguments at Hearing on October 18, 2019. Document filed by Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc..Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(Zionts, David) (Entered: 10/14/2019)
10/15/2019	<u>118</u>	ORDER: Argument in the above-captioned cases is scheduled for Friday, October 18, 2019, and will start promptly at 9:30am. The argument will be held in courtroom 506. The Court has allocated three hours for argument. The Court anticipates that plaintiffs will argue first and will have 75 minutes among them. The Court has received plaintiffs' counsel's letter identifying the allocation of topics among counsel. Dkt. 238. The Court appreciates this notice. The Court expects plaintiffs' counsel to carefully manage time to assure that sufficient time remains to address the important subjects to be covered by the third and fourth presenters, and as further set forth in this Order. So ordered. (Oral Argument set for 10/18/2019 at 09:30 AM in Courtroom 506, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer). (Signed by Judge Paul A. Engelmayer on 10/15/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (rjm) (Entered: 10/15/2019)
10/16/2019	<u>119</u>	ORDER: Argument in the above-captioned cases will now be held in courtroom 318. The venue has changed in order to enable the Court to use courtroom 506 as an overflow room in the event attendance exceeds capacity. Argument is scheduled for Friday, October 18, 2019, and will start promptly at 9:30am. (Oral Argument set for 10/18/2019 at 09:30 AM in Courtroom 318, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 10/16/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(jwh) (Entered: 10/17/2019)
10/18/2019		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Oral Argument held on 10/18/2019. Court reporter present. (ajs) (Entered: 10/18/2019)
10/21/2019	<u>120</u>	ORDER: The Court has noted that only portions of the administrative record have been filed on the docket. To assure completeness, defendants are to file a copy of the full administrative record on the docket by Friday, October 25, 2019. (Signed by Judge Paul A. Engelmayer on 10/21/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(jwh) (Entered: 10/21/2019)
10/25/2019	<u>121</u>	ORDER granting (243) Letter Motion for Leave to File Document in case 1:19-cv-04676-PAE: Granted. (Signed by Judge Paul A. Engelmayer on 10/25/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE (jwh) (Entered: 10/25/2019)
11/06/2019	<u>122</u>	OPINION AND ORDER: For the foregoing reasons, the Court grants plaintiffs' motions for summary judgment; denies HHS's motions both to dismiss and for summary judgment; and denies as moot plaintiffs' motion for preliminary relief. The Court accordingly vacates HHS's 2019 Rule in its entirety. A separate order will issue shortly terminating these and all other outstanding motions. The Clerk of Court is respectfully directed thereafter to close these cases. (Signed by Judge Paul A. Engelmayer on 11/6/2019) Filed In Associated Cases: 1:19-cv-04676-PAE, 1:19-cv-05433-PAE, 1:19-cv-05435-PAE(mro) (Main Document 122 replaced on 11/6/2019) (mro). (Entered: 11/06/2019)
11/06/2019	<u>123</u>	ORDER denying as moot (41) Motion for Preliminary Injunction; denying (147) Motion to Dismiss; denying (149) Motion for Summary Judgment; granting (179) Motion for Summary Judgment; granting (183) Motion for Summary Judgment; granting (195) Letter Motion for Leave to File Document in case 1:19-cv-04676-PAE; denying as moot (38) Letter Motion for Leave to File Document; denying (61) Motion to Dismiss; granting (74) Motion for Summary Judgment; granting (90) Motion to Appear Pro Hac Vice; denying as moot (19) Motion for Preliminary Injunction in case 1:19-cv-05433-PAE; denying as moot (43) Letter Motion for Leave to File Document; granting (52) Motion to Appear Pro Hac Vice; denying (69) Motion to Dismiss; granting (81) Motion for Summary Judgment; denying as moot (25) Motion for Preliminary Injunction in case 1:19-cv-05435-PAE. Consistent with today's accompanying opinion and order, the Court hereby issues the following orders: In 19 Civ. 4676: The Court grants plaintiffs' motion for summary

		<p>judgment, Dkts. 179 and 183, and grants, nunc pro tunc, the motion by Scholars of the LGBT Population for leave to file an amicus brief, Dkt. 195; The Court denies HHS's motion to dismiss or, in the alternative, for summary judgment, Dkt. 147, and the Defendant–Intervenors' motion for summary judgment, Dkt. 149; and The Court denies as moot plaintiffs' motion for preliminary relief. Dkt. 41. In 19 Civ. 5433: The Court grants plaintiffs' motion for summary judgment. Dkt. 74; The Court denies HHS's motion to dismiss or, in the alternative, for summary judgment. Dkt. 61; and The Court denies as moot plaintiffs' motion for preliminary relief, Dkt. 19; the Defendant–Intervenors' motion for leave to file an over–length amicus brief, Dkt. 38; and Susan Feigin Harris's subsequently granted motion to appear pro hac vice, Dkt. 90. In 19 Civ 5435: The Court grants plaintiffs' motion for summary judgment. Dkt. 81; The Court denies HHS's motion to dismiss or, in the alternative, for summary judgment. Dkt. 69; and The Court denies as moot plaintiffs' motion for preliminary relief, Dkt. 25; Defendant–Intervenors' motion for leave to file an over–length amicus brief, Dkt. 43; and Elizabeth Olmsted Gill's subsequently granted motion to appear pro hac vice, Dkt. 52. The Court respectfully directs the Clerk of the Court to terminate the foregoing pending motions and close this case. (Signed by Judge Paul A. Engelmayer on 11/6/2019) Filed In Associated Cases: 1:19–cv–04676–PAE, 1:19–cv–05433–PAE, 1:19–cv–05435–PAE (mro) Transmission to Orders and Judgments Clerk for processing. (Entered: 11/06/2019)</p>
11/06/2019	<u>124</u>	<p>CLERK'S JUDGMENT re: (123 in 1:19–cv–05435–PAE, 117 in 1:19–cv–05433, 249 in 1:19–cv–04676–PAE, Order on Motion for Preliminary Injunction, Order on Motion to Dismiss, Order on Motion for Summary Judgment, Order on Motion for Leave to File Document, Order on Motion to Appear Pro Hac Vice., in favor of City of Chicago, City of New York, Commonwealth of Massachusetts, Commonwealth of Pennsylvania, Commonwealth of Virginia, Cook County, Illinois, District of Columbia, National Family Planning and Reproductive Health Association, Planned Parenthood Federation of America, Inc., Planned Parenthood of Northern New England, Inc., Public Health Solutions, Inc., State of Colorado, State of Connecticut, State of Delaware, State of Hawaii, State of Illinois, State of Maryland, State of Michigan, State of Minnesota, State of Nevada, State of New Jersey, State of New Mexico, State of New York, State of Oregon, State of Rhode Island, State of Vermont, State of Wisconsin against Christian Medical and Dental Association, Office for Civil Rights, Office for Civil Rights of the U.S. Department of Health and Human Services, U.S. Department of Health and Human Services, United States Department of Health And Human Services, United States Department of Health and Human Services, United States of America, Alex M. Azar, II, Alex M. Azar II, Regina Frost, Roger Severino. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Order dated November 6, 2019, and consistent with today's accompanying Opinion and Order, the Court hereby issues the following orders: in 19 Civ. 4676: The Court grants Plaintiffs' motion for summary judgment, Dkts. 179 and 183, and grants, nunc pro tunc, the motion by Scholars of the LGBT Population for leave to file an amicus brief, Dkt. 195; The Court denies HHS's motion to dismiss or, in the alternative, for summary judgment, Dkt. 147, and the Defendant–Intervenors' motion for summary judgment, Dkt. 149; and The Court denies as moot plaintiffs' motion for preliminary relief. Dkt. 41. in 19 Civ. 5433: The Court grants Plaintiffs' motion for summary judgment. Dkt. 74; The Court denies HHS's motion to dismiss or, in the alternative, for summary judgment, Dkt. 61; and The Court denies as moot Plaintiffs' motion for preliminary relief, Dkt. 19; the Defendant–Intervenors motion for leave to file an over–length amicus brief, Dkt. 38; and Susan Feigin Harris's subsequently granted motion to appear pro hac vice, Dkt. 90. in 19 Civ. 5435: The Court grants Plaintiffs' motion for summary judgment. Dkt. 81; The Court denies HHS's motion to dismiss or, in the alternative, for summary judgment, Dkt. 69; and The Court denies as moot Plaintiffs' motion for preliminary relief, Dkt. 25; Defendant–Intervenors motion for leave to file an over–length amicus brief, Dkt. 43; and Elizabeth Olmsted Gill's subsequently granted motion to appear pro hac vice, Dkt. 52; accordingly, these cases are closed. (Signed by Clerk of Court Ruby Krajick on 11/06/2019) (Attachments: # <u>1</u> Notice of Right to Appeal)Filed In Associated Cases: 1:19–cv–04676–PAE, 1:19–cv–05433–PAE, 1:19–cv–05435–PAE(dt) (Entered: 11/06/2019)</p>
12/04/2019	<u>125</u>	<p>LETTER MOTION for Extension of Time to <i>File Bill of Costs</i> addressed to Judge Paul A. Engelmayer from Sarah Mac Dougall dated December 4, 2019. Document filed by National Family Planning and Reproductive Health Association, Planned</p>

