

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

MAYOR AND CITY COUNCIL OF  
BALTIMORE,

*Plaintiff,*

v.

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

*Defendants.*

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

**JOINT STATUS REPORT**

The parties submit this joint status report pursuant to this Court's January 21, 2020 order, ECF No. 102. On January 3, 2020, Defendants filed notices of appeal to the United States Court of Appeals for the Second Circuit of the final judgments in the United States District Court for the Southern District of New York that vacated the rule that Plaintiff challenges in this case. *See State of New York v. U.S. Dep't of Health & Human Servs.*, No. 1:19-cv-4676-PAE, Notice of Appeal, ECF No. 255 (S.D.N.Y.) (*New York*); *Planned Parenthood Fed'n of Am., Inc. v. Azar*, No. 1:19-cv-5433-PAE, Notice of Appeal, ECF No. 123 (S.D.N.Y.) (*Planned Parenthood*); *Nat'l Family Planning & Reproductive Health Ass'n v. Azar*, No. 1:19-cv-5435-PAE, Notice of Appeal, ECF No. 129 (S.D.N.Y.) (*NFPRHA*). Intervenors in the Southern District of New York litigation have also filed notices of appeal. *See New York*, Notice of Appeal, ECF No. 254; *Planned Parenthood*, Notice of Appeal, ECF No. 122; *NFPRHA*, Notice of Appeal, ECF No. 128. The briefing schedule in the Second Circuit anticipates that briefing will be completed by September 7, 2020.

On January 17, 2020, Defendants filed its notice of appeal to the United States Court of

Appeals for the Ninth Circuit of the final judgment in the United States District Court for the Eastern District of Washington vacating the challenged rule on November 21, 2019. *Washington v. Azar*, No. 2:19-CV-00183-SAB (E.D. Wash.) (*Washington*). In addition, the United States District Court for the Northern District of California has also vacated the challenged rule in three cases: *City & County of San Francisco v. Azar*, No. 3:19-cv-2405-WHA (N.D. Cal.) (*San Francisco*); *California v. Azar*, No. 3:19-cv-2769-WHA (N.D. Cal.) (*California*); *County of Santa Clara v. U.S. Dep't of Health & Human Servs.*, No. 3:19-cv-2916-WHA (N.D. Cal.) (*Santa Clara*). That court entered a final judgment in *San Francisco* and *Santa Clara* on January 8, 2020. The federal government filed notices of appeal in those cases on March 6, 2020. A final judgment has not yet been entered in *California*. Defendants have proposed that the appeals of the *Washington*, *San Francisco*, and *Santa Clara* cases be consolidated in the Ninth Circuit, and that briefing be completed in August of 2020.

Dated: April 20, 2020

By: /s/ Suzanne Sangree

Suzanne Sangree #26130  
Senior Public Safety Counsel and  
Director of Affirmative Litigation  
Jane Lewis #20981  
Assistant Solicitor  
BALTIMORE CITY  
DEPARTMENT OF LAW  
City Hall, Room 109  
100 N. Holliday Street Baltimore, MD 21202  
Tel: (443) 388-2190  
[suzanne.sangree2@baltimorecity.gov](mailto:suzanne.sangree2@baltimorecity.gov)  
[jane.lewis@baltimorecity.gov](mailto:jane.lewis@baltimorecity.gov)

Arun Subramanian (admitted pro hac vice)  
Seth Ard (admitted pro hac vice)  
Elisha Barron (admitted pro hac vice)

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

MICHELLE R. BENNETT  
Assistant Branch Director

/s/ Bradley P. Humphreys  
BRADLEY P. HUMPHREYS  
(D.C. Bar No. 988057)  
Trial Attorney, U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W.  
Washington, D.C. 20005  
Phone: (202) 305-0878  
E-mail: [Bradley.Humphreys@usdoj.gov](mailto:Bradley.Humphreys@usdoj.gov)

*Counsel for Defendants*

Ryan C. Kirkpatrick (admitted pro hac vice)  
SUSMAN GODFREY L.L.P.  
1301 Avenue of the Americas, 32nd Fl  
New York, New York 10019  
Tel.: (212) 336-8330  
asubramanian@susmangodfrey.com  
sard@susmangodfrey.com  
ebarron@susmangodfrey.com  
rkirkpatrick@susmangodfrey.com

Daniel J. Shih (admitted pro hac vice)  
SUSMAN GODFREY L.L.P.  
1201 Third Avenue, Suite 3800  
Seattle, Washington 98101  
Tel.: (206) 516-3880  
dshih@susmangodfrey.com

Richard B. Katskee #27636  
Kenneth D. Upton, Jr. (admitted pro hac vice)  
AMERICANS UNITED FOR SEPARATION  
OF CHURCH AND STATE  
1310 L Street NW, Suite 200  
Washington, DC 20005  
Tel: (202) 466-3234  
katskee@au.org  
upton@au.org

*Counsel for Plaintiff*