

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

**DEBRA ANN LIVINGSTON**  
CHIEF JUDGE

Date: May 31, 2022  
Docket #: 22-1174  
Short Title: Family Equality v. Azar

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

DC Docket #: 20-cv-2403  
DC Court: SDNY (NEW YORK  
CITY)  
DC Judge: Vyskocil

**DOCKETING NOTICE**

A notice of appeal filed by Family Equality, True Colors United, Inc., and Services & Advocacy for GLBT Elders in the above referenced case was docketed today as 22-1174. 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 212-857-8546.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Family Equality, True Colors United, Inc., and

Services & Advocacy for GLBT Elders

(List the full name(s) of the plaintiff(s)/petitioner(s).)

1:20 CV 02403 (MKV) ( )

-against-

NOTICE OF APPEAL

Xavier Becerra and the United States Department of Health

and Human Services

(List the full name(s) of the defendant(s)/respondent(s).)

Notice is hereby given that the following parties: Family Equality, True Colors United, Inc., and

Services & Advocacy for GLBT Elders

(list the names of all parties who are filing an appeal)

in the above-named case appeal to the United States Court of Appeals for the Second Circuit

from the  judgment  order entered on: March 30, 2022

(date that judgment or order was entered on docket)

that: Defendants' Motion to Dismiss is Granted.

(If the appeal is from an order, provide a brief description above of the decision in the order.)

May 27, 2022

Dated

/s/ Kristen P. Miller

Signature\*

Miller, Kristen, P.

Name (Last, First, MI)

P.O. Box 34553

Washington

D.C.

20043

Address

City

State

Zip Code

(202) 448-9090

Telephone Number

kmiller@democracyforward.org

E-mail Address (if available)

\* Each party filing the appeal must date and sign the Notice of Appeal and provide his or her mailing address and telephone number, EXCEPT that a signer of a pro se notice of appeal may sign for his or her spouse and minor children if they are parties to the case. Fed. R. App. P. 3(c)(2). Attach additional sheets of paper as necessary.

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:20-cv-02403-MKV**

Family Equality et al v. Azar et al  
Assigned to: Judge Mary Kay Vyskocil  
Cause: 05:551 Administrative Procedure Act

Date Filed: 03/19/2020  
Date Terminated: 03/30/2022  
Jury Demand: None  
Nature of Suit: 899 Other Statutes:  
Administrative Procedures Act/Review or  
Appeal of Agency Decision  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Family Equality**

represented by **Karen Loewy**  
Lambda Legal Defense & Education Fund  
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*ATTORNEY TO BE NOTICED*

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*ATTORNEY TO BE NOTICED*

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*TERMINATED: 07/10/2020*

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*ATTORNEY TO BE NOTICED*

**Sasha Buchert**  
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

**Plaintiff**

**True Colors United, Inc.**

represented by **Karen Loewy**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Kristen Paige Miller**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Puneet Cheema**  
(See above for address)  
TERMINATED: 07/10/2020

**Robin Thurston**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Sasha Buchert**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Sean Lev**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Jeffrey Benjamin Dubner**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Plaintiff**

**Services & Advocacy for LGBT Elders**  
TERMINATED: 04/03/2020

represented by **Robin Thurston**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Sasha Buchert**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Sean Lev**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Jeffrey Benjamin Dubner**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Plaintiff**

**Services & Advocacy for GLBT Elders**

represented by **Karen Loewy**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Kristen Paige Miller**  
(See above for address)

ATTORNEY TO BE NOTICED

**Puneet Cheema**  
 (See above for address)  
 TERMINATED: 07/10/2020

**Sasha Buchert**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Jeffrey Benjamin Dubner**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

V.

**Defendant**

**Alex M. Azar, II**  
*in his official capacity as Secretary,  
 United States Department of Health and  
 Human Services*

represented by **Jennifer C. Simon**  
 New York State Office of The Attorney  
 General  
 28 Liberty Street, 19th Floor  
 New York, NY 10005  
 212-416-8086  
 Email: [jennifer.simon@ag.ny.gov](mailto:jennifer.simon@ag.ny.gov)  
 TERMINATED: 11/29/2021  
 LEAD ATTORNEY

**Lucas Estlund Issacharoff**  
 United States Attorney's Office  
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 ATTORNEY TO BE NOTICED

**Defendant**

**United States Department of Health  
 and Human Services**

represented by **Jennifer C. Simon**  
 (See above for address)  
 TERMINATED: 11/29/2021  
 LEAD ATTORNEY

**Lucas Estlund Issacharoff**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/19/2020	<u>1</u>	COMPLAINT against Alex M. Azar, II, United States Department of Health and Human Services. (Filing Fee \$ 400.00, Receipt Number ANYSDC-19162658) Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc...(Dubner, Jeffrey) (Entered: 03/19/2020)
03/19/2020	<u>2</u>	CIVIL COVER SHEET filed..(Dubner, Jeffrey) (Entered: 03/19/2020)
03/19/2020	<u>3</u>	<b>FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST As To – REQUEST FOR ISSUANCE OF SUMMONS</b> as to Alex M. Azar II, U.S. Department of Health and Human Services, re: <u>1</u> Complaint,. Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc...(Dubner, Jeffrey) Modified on 3/20/2020 (jgo). (Entered: 03/19/2020)

03/19/2020	<u>4</u>	<b>FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST As To – REQUEST FOR ISSUANCE OF SUMMONS</b> as to Alex M. Azar II, U.S. Department of Health and Human Services, re: <u>1</u> Complaint,. Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc...(Dubner, Jeffrey) Modified on 3/20/2020 (jgo). (Entered: 03/19/2020)
03/19/2020	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Alex M. Azar II, re: <u>1</u> Complaint,. Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc...(Dubner, Jeffrey) (Entered: 03/19/2020)
03/19/2020	<u>6</u>	<b>FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST As To – REQUEST FOR ISSUANCE OF SUMMONS</b> as to U.S. Department of Health and Human Services, re: <u>1</u> Complaint,. Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc...(Dubner, Jeffrey) Modified on 3/20/2020 (jgo). (Entered: 03/19/2020)
03/19/2020	<u>7</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Family Equality..(Dubner, Jeffrey) (Entered: 03/19/2020)
03/19/2020	<u>8</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Services & Advocacy for LGBT Elders..(Dubner, Jeffrey) (Entered: 03/19/2020)
03/19/2020	<u>9</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by True Colors United, Inc...(Dubner, Jeffrey) (Entered: 03/19/2020)
03/20/2020		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Mary Kay Vyskocil. Please download and review the Individual Practices of the assigned District Judge, located at <a href="https://nysd.uscourts.gov/judges/district–judges">https://nysd.uscourts.gov/judges/district–judges</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="https://nysd.uscourts.gov/rules/ecf–related–instructions">https://nysd.uscourts.gov/rules/ecf–related–instructions</a> ..(jgo) (Entered: 03/20/2020)
03/20/2020		Magistrate Judge Sarah Netburn 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: <a href="https://nysd.uscourts.gov/sites/default/files/2018–06/AO–3.pdf">https://nysd.uscourts.gov/sites/default/files/2018–06/AO–3.pdf</a> . (jgo) (Entered: 03/20/2020)
03/20/2020		Case Designated ECF. (jgo) (Entered: 03/20/2020)
03/20/2020		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Jeffrey Benjamin Dubner to RE–FILE Document No. <u>6</u> Request for Issuance of Summons, <u>4</u> Request for Issuance of Summons, <u>3</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): party name on 'as to' docket entry text does not exactly match as it appears on the pleading caption (U.S. Department of Health and Human Services). Re–file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (jgo)</b> Modified on 3/20/2020 (jgo). (Entered: 03/20/2020)
03/20/2020	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to Alex M. Azar, II..(jgo) (Entered: 03/20/2020)
03/20/2020	<u>11</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Health and Human Services, re: <u>1</u> Complaint,. Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc...(Dubner, Jeffrey) (Entered: 03/20/2020)
03/20/2020	<u>12</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Alex M. Azar II, in his official capacity as Secretary, United States Department of Health and Human Services, and the United States Department of Health and Human Services, re: <u>1</u> Complaint,. Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc...(Dubner, Jeffrey) (Entered: 03/20/2020)

03/20/2020	<u>13</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Alex M. Azar II, in his official capacity as Secretary, United States Department of Health and Human Services, and the United States Department of Health and Human Services, re: <u>1</u> Complaint,. Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc...(Dubner, Jeffrey) (Entered: 03/20/2020)
03/23/2020	<u>14</u>	ELECTRONIC SUMMONS ISSUED as to Alex M. Azar, II, United States Department of Health and Human Services..(jgo) (Entered: 03/23/2020)
03/23/2020	<u>15</u>	ELECTRONIC SUMMONS ISSUED as to Alex M. Azar, II, United States Department of Health and Human Services..(jgo) (Entered: 03/23/2020)
03/23/2020	<u>16</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Health and Human Services..(jgo) (Entered: 03/23/2020)
03/25/2020	<u>17</u>	MOTION for Robin F. Thurston to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-19225666. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Affidavit, # <u>3</u> Exhibit Certificate of Good Standing).(Thurston, Robin) (Entered: 03/25/2020)
03/25/2020	<u>18</u>	MOTION for Sean A. Lev to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-19225740. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc.. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing, # <u>2</u> Affidavit, # <u>3</u> Text of Proposed Order).(Lev, Sean) (Entered: 03/25/2020)
03/25/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>18</u> MOTION for Sean A. Lev to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-19225740. Motion and supporting papers to be reviewed by Clerk's Office staff., <u>17</u> MOTION for Robin F. Thurston to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-19225666. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (ad)</b> (Entered: 03/25/2020)
03/26/2020	19	ORDER Plaintiff is GRANTED leave to file an Amended Complaint to correct the spelling of one partys name. Any other changes to the Complaint will result in the amendment constituting the Plaintiffs amendment as of right. (HEREBY ORDERED by Judge Mary Kay Vyskocil) (Text Only Order) (ab) (Entered: 03/26/2020)
03/27/2020	20	ORDER granting <u>18</u> Motion for Sean A. Lev to Appear Pro Hac Vice (HEREBY ORDERED by Judge Mary Kay Vyskocil)(Text Only Order) (rz) (Entered: 03/27/2020)
03/27/2020	<u>21</u>	<b>FILING ERROR – FILER ERROR –</b> AMENDED COMPLAINT amending <u>1</u> Complaint, against Alex M. Azar, II, United States Department of Health and Human Services.Document filed by Family Equality, Services & Advocacy for LGBT Elders, True Colors United, Inc.. Related document: <u>1</u> Complaint,..(Dubner, Jeffrey) Modified on 3/30/2020 (jgo). (Entered: 03/27/2020)
03/30/2020		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Jeffrey Benjamin Dubner to RE-FILE re: Document No. <u>21</u> Amended Complaint. The filing is deficient for the following reason(s): all of the parties listed on the pleading were not entered on CM ECF. Add party Services &amp; Advocacy for GLBT Elders; the wrong filer/filers were selected for the pleading;. Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents.. Re-file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (jgo)</b> (Entered: 03/30/2020)
03/30/2020		ADD PARTY FOR PLEADING. Plaintiffs/Petitioners Services & Advocacy for GLBT Elders added. Party added pursuant to <u>21</u> Amended Complaint,.Document filed by Services & Advocacy for GLBT Elders. Related document: <u>21</u> Amended Complaint,..(Dubner, Jeffrey) (Entered: 03/30/2020)

04/01/2020	<u>22</u>	<b>FILING ERROR – FILING ERROR</b> – AMENDED COMPLAINT amending <u>21</u> Amended Complaint, against Alex M. Azar, II, United States Department of Health and Human Services. Document filed by Services & Advocacy for GLBT Elders, Family Equality, True Colors United, Inc.. Related document: <u>21</u> Amended Complaint,..(Dubner, Jeffrey) Modified on 4/2/2020 (jgo). (Entered: 04/01/2020)
04/02/2020		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Jeffrey Benjamin Dubner to RE–FILE Document No. <u>22</u> Amended Complaint,. The filing is deficient for the following reason(s): the pleading must be linked to the initial pleading. Re–file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents – attach the correct signed PDF – select the individually named filer/filers – select the individually named party/parties the pleading is against. (jgo)</b> (Entered: 04/02/2020)
04/02/2020	<u>23</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against Alex M. Azar, II, United States Department of Health and Human Services. Document filed by Services & Advocacy for GLBT Elders, Family Equality, True Colors United, Inc.. Related document: <u>1</u> Complaint,..(Dubner, Jeffrey) (Entered: 04/02/2020)
04/03/2020	<u>24</u>	SUMMONS RETURNED EXECUTED. Alex M. Azar, II served on 4/1/2020, answer due 6/1/2020; United States Department of Health and Human Services served on 4/1/2020, answer due 6/1/2020. Service was made by Mail. Document filed by Services & Advocacy for GLBT Elders; Family Equality; True Colors United, Inc.. (Attachments: # <u>1</u> Affidavit).(Dubner, Jeffrey) (Entered: 04/03/2020)
04/24/2020	<u>25</u>	MOTION for Puneet Cheema to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–19576234. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Family Equality, Services & Advocacy for GLBT Elders, True Colors United, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order).(Cheema, Puneet) (Entered: 04/24/2020)
04/24/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>25</u> MOTION for Puneet Cheema to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–19576234. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (laq)</b> (Entered: 04/24/2020)
04/27/2020	26	ORDER granting <u>25</u> Motion for Puneet Cheema to Appear Pro Hac Vice; granting <u>17</u> Motion for Robin F. Thurston to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Mary Kay Vyskocil)(Text Only Order) (ab) (Entered: 04/27/2020)
05/29/2020	<u>27</u>	NOTICE OF APPEARANCE by Karen Loewy on behalf of Family Equality, Services & Advocacy for GLBT Elders, True Colors United, Inc...(Loewy, Karen) (Entered: 05/29/2020)
06/02/2020	<u>28</u>	CONSENT LETTER MOTION for Extension of Time addressed to Judge Mary Kay Vyskocil from Jennifer C. Simon dated June 2, 2020. Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 06/02/2020)
06/02/2020	<u>29</u>	ORDER granting <u>28</u> Letter Motion for Extension of Time. GRANTED. The Parties are reminded that requests for extension of time should be filed three days before the deadline in question. (Signed by Judge Mary Kay Vyskocil on 6/2/2020) (mro) (Entered: 06/02/2020)
06/02/2020		Set/Reset Deadlines: United States Department of Health and Human Services answer due 6/22/2020. (mro) (Entered: 06/02/2020)
06/22/2020	<u>30</u>	LETTER MOTION for Conference addressed to Judge Mary Kay Vyskocil from Jennifer C. Simon dated June 22, 2020. Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 06/22/2020)
06/25/2020	<u>31</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Mary Kay Vyskocil from Robin Thurston dated 6/25/2020 re: <u>30</u> LETTER MOTION for Conference addressed to Judge Mary Kay Vyskocil from Jennifer C. Simon dated June 22, 2020. .

		Document filed by Family Equality, Services & Advocacy for GLBT Elders, True Colors United, Inc...(Thurston, Robin) (Entered: 06/25/2020)
06/30/2020	<u>32</u>	<b>FILING ERROR – DEFICIENT PRO HAC VICE MOTION –</b> MOTION for Kristen Miller to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–20482741. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Family Equality, Services & Advocacy for GLBT Elders, True Colors United, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit).(Miller, Kristen) Modified on 6/30/2020 (ad). (Entered: 06/30/2020)
06/30/2020		<b>&gt;&gt;&gt;NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE–FILE Document No. <u>32</u> MOTION for Kristen Miller to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–20482741. 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 DC; The affidavit is not notarized;. Re–file the motion as a Corrected 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. (ad)</b> (Entered: 06/30/2020)
07/01/2020	<u>33</u>	MOTION for Kristen Miller to Appear Pro Hac Vice . <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Filing fee \$ 200.00, receipt number ANYSDC–20482741 Document filed by Family Equality, Services & Advocacy for GLBT Elders, True Colors United, Inc.. (Attachments: # <u>1</u> Exhibit Miller Declaration, # <u>2</u> Exhibit NY Certificate of Good Standing, # <u>3</u> Exhibit DC Certificate of Good Standing, # <u>4</u> Text of Proposed Order Text of Proposed Order).(Miller, Kristen) Modified on 7/1/2020 (ad). (Entered: 07/01/2020)
07/01/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>33</u> MOTION for Kristen Miller 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. (ad)</b> (Entered: 07/01/2020)
07/02/2020	34	ORDER granting <u>33</u> Motion for Kristen Miller to Appear Pro Hac Vice (HEREBY ORDERED by Judge Mary Kay Vyskocil)(Text Only Order) (rz) (Entered: 07/02/2020)
07/06/2020	<u>35</u>	ORDER denying <u>30</u> Letter Motion for Conference. The Motion for a Pre–Motion Conference is DENIED and the Defendants are GRANTED leave to file the Motion to Dismiss. The Motion must be filed on or before July 24, 2020. Plaintiffs' opposition should be filed on or before August 7, 2020. Any reply is due on or before August 14, 2020. Requests for extension must be received at least 72 hours in advance of the deadline. (Signed by Judge Mary Kay Vyskocil on 7/6/2020) (mro) (Entered: 07/06/2020)
07/06/2020		Set/Reset Deadlines: Motions due by 7/24/2020. Responses due by 8/7/2020 Replies due by 8/14/2020. (mro) (Entered: 07/06/2020)
07/09/2020	<u>36</u>	MOTION for Puneet Cheema to Withdraw as Attorney . Document filed by Family Equality, Services & Advocacy for GLBT Elders, True Colors United, Inc...(Cheema, Puneet) (Entered: 07/09/2020)
07/10/2020	<u>37</u>	MEMO ENDORSED ORDER granting <u>36</u> Motion to Withdraw as Attorney. ENDORSEMENT: IT IS SO ORDERED. (Attorney Puneet Cheema terminated.) (Signed by Judge Mary Kay Vyskocil on 6/10/20) (yv) (Entered: 07/10/2020)
07/20/2020	<u>38</u>	CONSENT LETTER MOTION for Extension of Time addressed to Judge Mary Kay Vyskocil from Jennifer C. Simon dated July 20, 2020. Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 07/20/2020)
07/21/2020	<u>39</u>	ORDER granting <u>38</u> Letter Motion for Extension of Time. Granted. (Signed by Judge Mary Kay Vyskocil on 7/21/2020) (mro) (Entered: 07/21/2020)
07/21/2020		Set/Reset Deadlines: Motions due by 8/7/2020. Responses due by 8/24/2020 Replies due by 9/2/2020. (mro) (Entered: 07/21/2020)

08/07/2020	<u>40</u>	MOTION to Dismiss . Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 08/07/2020)
08/07/2020	<u>41</u>	MEMORANDUM OF LAW in Support re: <u>40</u> MOTION to Dismiss . . Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 08/07/2020)
08/24/2020	<u>42</u>	MEMORANDUM OF LAW in Opposition re: <u>40</u> MOTION to Dismiss . . Document filed by Family Equality, Services & Advocacy for GLBT Elders, True Colors United, Inc...(Miller, Kristen) (Entered: 08/24/2020)
09/02/2020	<u>43</u>	REPLY MEMORANDUM OF LAW in Support re: <u>40</u> MOTION to Dismiss . . Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 09/02/2020)
09/18/2020	<u>44</u>	NOTICE OF CHANGE OF ADDRESS by Karen Loewy on behalf of Family Equality, Services & Advocacy for GLBT Elders, True Colors United, Inc.. New Address: Lambda Legal, 1776 K Street NW, 8th floor, Washington, DC, United States 20006-2304, 202-804-6245..(Loewy, Karen) (Entered: 09/18/2020)
09/29/2020	<u>45</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> MOTION for Sasha Jean Buchert to Appear Pro Hac Vice <i>Sasha J. Buchert</i> . <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Family Equality, Services & Advocacy for GLBT Elders, Services & Advocacy for LGBT Elders, True Colors United, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order, # <u>3</u> Certificate of Good Standing).(Buchert, Sasha) Modified on 9/29/2020 (bcu). (Entered: 09/29/2020)
09/29/2020		<b>&gt;&gt;&gt;NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE re: Document No. <u>45</u> MOTION for Sasha Jean Buchert to Appear Pro Hac Vice <i>Sasha J. Buchert</i>. 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 Oregon; the filing fee was not paid;. Re-file the motion as a Corrected 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. (bcu)</b> (Entered: 09/29/2020)
10/06/2020	<u>46</u>	MOTION for Sasha Jean Buchert to Appear Pro Hac Vice ( <i>Corrected</i> ). Filing fee \$ 200.00, receipt number ANYSDC-22005956. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Family Equality, Services & Advocacy for GLBT Elders, Services & Advocacy for LGBT Elders, True Colors United, Inc.. (Attachments: # <u>1</u> Certificate of Good Standing Supreme Court of Oregon, # <u>2</u> Affidavit, # <u>3</u> Text of Proposed Order).(Buchert, Sasha) (Entered: 10/06/2020)
10/06/2020		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>46</u> MOTION for Sasha Jean Buchert to Appear Pro Hac Vice (<i>Corrected</i>). Filing fee \$ 200.00, receipt number ANYSDC-22005956. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (vba)</b> (Entered: 10/06/2020)
10/07/2020	47	ORDER granting <u>46</u> Motion for Sasha Jean Buchert to Appear Pro Hac Vice (HEREBY ORDERED by Judge Mary Kay Vyskocil)(Text Only Order) (rz) (Entered: 10/07/2020)
01/15/2021	<u>48</u>	LETTER addressed to Judge Mary Kay Vyskocil from Jennifer C. Simon dated January 15, 2021 Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 01/15/2021)
01/19/2021	49	ORDER Plaintiffs are directed to file a letter responding to the Defendants' letter [ECF No. 48] on or before January 21, 2021. (HEREBY ORDERED by Judge Mary Kay Vyskocil) (Text Only Order) (ab) (Entered: 01/19/2021)
01/21/2021	<u>50</u>	LETTER addressed to Judge Mary Kay Vyskocil from Counsel for Plaintiffs dated 1/21/2021 re: Family Equality et al. v. Azar et al.. Document filed by Family Equality, Services & Advocacy for GLBT Elders, Services & Advocacy for LGBT Elders, True

		Colors United, Inc...(Miller, Kristen) (Entered: 01/21/2021)
02/02/2021	<u>51</u>	ORDER: The Court has received letters from the Parties regarding regulatory developments that may moot Plaintiffs' claims in this case [ECF Nos. 48, 50]. In light of those recent regulatory actions, IT IS HEREBY ORDERED that this case is STAYED pending further order of the Court. The Parties are directed to file a joint letter on the ECF docket on or before February 16, 2021 regarding whether the Final Rule referenced in the Parties letters has become effective, or whether there have been any other developments which impact this case. Following receipt of the Parties' letter, the Court will enter an order regarding next steps in this case. (Signed by Judge Mary Kay Vyskocil on 2/2/2021) (mro) (Entered: 02/02/2021)
02/16/2021	<u>52</u>	JOINT LETTER addressed to Judge Mary Kay Vyskocil from Jennifer C. Simon dated February 16, 2021 Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 02/16/2021)
04/06/2021	<u>53</u>	ORDER The Court has reviewed the Parties' joint letter. The stay of this case is extended to June 1, 2021. On or before that date, the Parties must submit a further status update to the Court regarding any developments relevant to this litigation. (HEREBY ORDERED by Judge Mary Kay Vyskocil) (Text Only Order) (ab) (Entered: 04/06/2021)
04/27/2021	<u>54</u>	LETTER addressed to Judge Mary Kay Vyskocil from Jennifer C. Simon dated April 27, 2021 Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 04/27/2021)
04/29/2021	<u>55</u>	MEMO ENDORSEMENT re: <u>54</u> Letter filed by United States Department of Health and Human Services, Alex M. Azar, II. ENDORSEMENT: GRANTED. The Parties should file their status report on May 3, 2021. (Signed by Judge Mary Kay Vyskocil on 4/29/2021) (nb) (Entered: 04/29/2021)
05/03/2021	<u>56</u>	JOINT LETTER addressed to Judge Mary Kay Vyskocil from Jennifer C. Simon dated May 3, 2021 Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 05/03/2021)
05/05/2021	<u>57</u>	MEMO ENDORSEMENT re: <u>56</u> Letter filed by United States Department of Health and Human Services, Alex M. Azar, II. ENDORSEMENT: In light of the Parties' status update, the Clerk of Court respectfully is requested to lift the stay of this case entered on ECF. (Signed by Judge Mary Kay Vyskocil on 5/5/2021) (nb) (Entered: 05/05/2021)
05/05/2021		Case Stay Lifted. (nb) (Entered: 05/05/2021)
10/15/2021	<u>58</u>	NOTICE OF APPEARANCE by Lucas Estlund Issacharoff on behalf of Alex M. Azar, II, United States Department of Health and Human Services..(Issacharoff, Lucas) (Entered: 10/15/2021)
11/23/2021	<u>59</u>	LETTER addressed to Judge Mary Kay Vyskocil from Jennifer C. Simon dated November 22, 2021 re: Request for Termination of Appearance. Document filed by Alex M. Azar, II, United States Department of Health and Human Services..(Simon, Jennifer) (Entered: 11/23/2021)
11/29/2021	<u>60</u>	MEMO ENDORSEMENT on re: <u>59</u> Letter filed by United States Department of Health and Human Services, Alex M. Azar, II. ENDORSEMENT: Granted. SO ORDERED. Attorney Jennifer C. Simon terminated. (Signed by Judge Mary Kay Vyskocil on 11/29/2021) (tg) (Entered: 11/29/2021)
03/30/2022	<u>61</u>	OPINION AND ORDER GRANTING MOTION TO DISMISS re: <u>40</u> MOTION to Dismiss . filed by United States Department of Health and Human Services, Alex M. Azar, II. For the reasons stated above, Defendants' Motion to Dismiss is GRANTED. Because the Court is without subject matter jurisdiction to adjudicate the dispute, the case is dismissed WITHOUT PREJUDICE. The Clerk of the Court respectfully is requested to terminate the motion at ECF No. 40 and close the case. SO ORDERED. (Signed by Judge Mary Kay Vyskocil on 3/30/2022) (tg) Transmission to Orders and Judgments Clerk for processing. (Entered: 03/30/2022)
03/30/2022	<u>62</u>	CLERK'S JUDGMENT re: <u>61</u> Memorandum & Opinion in favor of United States Department of Health and Human Services, Alex M. Azar, II against Family Equality,

		Services & Advocacy for GLBT Elders, True Colors United, Inc. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated March 30, 2022, Defendants' Motion to Dismiss is GRANTED. Because the Court is without subject matter jurisdiction to adjudicate the dispute, the case is dismissed WITHOUT PREJUDICE; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 3/30/2022) (Attachments: # <u>1</u> Right to Appeal) (km) (Entered: 03/30/2022)
05/27/2022	<u>63</u>	NOTICE OF APPEAL from <u>61</u> Memorandum & Opinion,, <u>62</u> Clerk's Judgment,, Document filed by Family Equality, Services & Advocacy for GLBT Elders, Services & Advocacy for LGBT Elders, True Colors United, Inc.. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit..(Miller, Kristen) Modified on 5/27/2022 (nd). (Entered: 05/27/2022)
05/27/2022		Appeal Fee Due: for <u>63</u> Notice of Appeal,.\$505.00 Appeal fee due by 6/10/2022..(nd) (Entered: 05/27/2022)
05/27/2022		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>63</u> Notice of Appeal..(nd) (Entered: 05/27/2022)
05/27/2022		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>63</u> Notice of Appeal, filed by Services & Advocacy for LGBT Elders, True Colors United, Inc., Family Equality, Services & Advocacy for GLBT Elders were transmitted to the U.S. Court of Appeals..(nd) (Entered: 05/27/2022)