

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Family Equality, True Colors United, Inc., and Services & Advocacy for GLBT Elders

DEFENDANTS

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

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Kristen Miller, Sean Lev, Robin Thurston, Jeffrey B. Dubner
P.O. Box 34553
Washington, DC 20043 Phone: (202) 701-1782

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Violation of the Administrative Procedure Act (5 U.S.C. § 706).

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE? No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY INJURY/PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 422 APPEAL 28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER	[] 423 WITHDRAWAL 28 USC 157	[] 400 STATE REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	PERSONAL PROPERTY	PROPERTY RIGHTS	[] 423 WITHDRAWAL 28 USC 157	[] 410 ANTI-TRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	[] 370 OTHER FRAUD	[] 820 COPYRIGHTS	[] 423 WITHDRAWAL 28 USC 157	[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 830 PATENT	[] 423 WITHDRAWAL 28 USC 157	[] 450 COMMERCE
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[] 423 WITHDRAWAL 28 USC 157	[] 460 DEPORTATION
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 840 TRADEMARK	[] 423 WITHDRAWAL 28 USC 157	[] 470 RACKETEER INFLU- ENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 463 ALIEN DETAINEE	LABOR	SOCIAL SECURITY	[] 480 CONSUMER CREDIT
[] 190 OTHER CONTRACT	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	[] 710 FAIR LABOR STANDARDS ACT	[] 861 HIA (1395ff)	[] 490 CABLE/SATELLITE TV
[] 195 CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 720 LABOR/MGMT RELATIONS	[] 862 BLACK LUNG (923)	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 196 FRANCHISE	CIVIL RIGHTS	[] 530 HABEAS CORPUS	[] 740 RAILWAY LABOR ACT	[] 863 DIWC/DIWW (405(g))	[] 890 OTHER STATUTORY ACTIONS
REAL PROPERTY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[] 535 DEATH PENALTY	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 864 SSID TITLE XVI	[] 891 AGRICULTURAL ACTS
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 540 MANDAMUS & OTHER	[] 790 OTHER LABOR LITIGATION	[] 865 RSI (405(g))	[] 893 ENVIRONMENTAL MATTERS
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 865 RSI (405(g))	[] 895 FREEDOM OF INFORMATION ACT
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 550 CIVIL RIGHTS	IMMIGRATION	[] 865 RSI (405(g))	[] 896 ARBITRATION
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 555 PRISON CONDITION	[] 462 NATURALIZATION APPLICATION	[] 865 RSI (405(g))	[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES -OTHER	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	[] 465 OTHER IMMIGRATION ACTIONS	[] 865 RSI (405(g))	[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from (Specify District)
- 6 Multidistrict Litigation (Transferred)
- 7 Appeal to District Judge from Magistrate Judge
- a. all parties represented
- b. At least one party is pro se.
- 8 Multidistrict Litigation (Direct File)

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- 1 U.S. PLAINTIFF
- 2 U.S. DEFENDANT
- 3 FEDERAL QUESTION (U.S. NOT A PARTY)
- 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF	DEF	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF	DEF	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF	DEF
	[]	[]		[]	[]		[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Family Equality -- 475 Park Avenue South, New York, NY 10016
 True Colors United -- 311 West 43rd Street, New York, NY 10036
 SAGE -- 305 Seventh Avenue, New York, NY 10001

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Alex M. Azar II -- 200 Independence Avenue SW, Washington DC 20201
 U.S. Department of Health and Human Services -- 200 Independence Avenue SW, Washington, DC 20201

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 3/19/2020 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

/s/ Jeffrey Dubner

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. Aug Yr. 2017)
 Attorney Bar Code # JD4545

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)