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October 24, 2018

Judges Wallace, Kleinfeld, and Gruber
U.S. Court of Appeals for the Ninth Circuit
95 7th Street
San Francisco, CA 94103

Re: *State of California, et al. v. Azar, et al.*
U.S. Court of Appeals for the Ninth Circuit, Case Nos. 18-15144, 18-15166, 18-15255
Oral Argument: October 19, 2018 (San Francisco)

Dear Judges Wallace, Kleinfeld, and Gruber:

As requested during the oral argument, the Office of Management and Budget's website reflects that both the Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act (CMS-9940-F2) Rule (RIN 0938-AT54) (the Religious Rule) and the Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act (CMS-9925-F) Rule (RIN 0938-AT46) (the Moral Rule) are currently "pending review." See <https://www.reginfo.gov/public/jsp/EO/eoDashboard.myjsp>. Specifically, the Religious Rule is located here: <https://www.reginfo.gov/public/do/eoDetails?rrid=128541>. The Moral Rule is located here: <https://www.reginfo.gov/public/do/eoDetails?rrid=128540>. According to the website, both Rules have been pending since October 11, 2018.

Although in reviewing the district court's grant of a preliminary injunction this Court cannot "re-weigh the evidence," it can nevertheless take judicial notice of information appearing on governmental websites where such information may impact the jurisdiction of the Court. *Fyock v. Sunnyvale*, 779 F.3d 991, 1000 (9th Cir. 2015) (explaining the limitations to interlocutory appeals given the "narrow scope of [this Court's] review"); *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998-99 (9th Cir. 2010) (taking judicial notice of information displayed on government entity website).

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Sincerely,

s/ Karli Eisenberg

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CERTIFICATE OF SERVICE

I certify that on October 24, 2018, I electronically filed the foregoing document with the Clerk of the Court of the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. I certify that all other participants in this case are registered CM/ECF users and that services will be accomplished by the appellate EM/EC system.

Date: October 24, 2018

s/Karli Eisenberg

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