

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

---

The State of California, et al.,	)	
	)	
Plaintiffs-Appellees,	)	
	)	
v.	)	
	)	
Alex M. Azar II, in his official capacity as	)	
Secretary of the U.S. Department of Health and	)	
Human Services, et al.,	)	
	)	Nos. 18-15144,
Defendants-Appellants,	)	18-15166,
	)	18-15255
and	)	
	)	
The Little Sisters of the Poor Jeanne Jugan	)	
Residence,	)	
	)	
Intervenor-Defendant-Appellant,	)	
	)	
and	)	
	)	
March for Life Education and Defense Fund,	)	
	)	
Intervenor-Defendant-Appellant.	)	
	)	

---

**Joint Motion for Extension of Time in Which to File Supplemental Brief  
Addressing Effect of Religious and Moral Exemption Final Rules**

For the reasons stated below, all the parties to these appeals jointly request the Court to extend the time for filing simultaneous supplemental briefs addressing the effect of recently issued religious and moral exemption final rules on these appeals by eight days, to and including November 16, 2018.

1. On October 25, 2018, the Court directed the parties to file simultaneous supplemental briefs fourteen days after that date addressing the status of the rules in question; when they are likely to be published in the Federal Register; and whether the present appeals will become moot when the rules become final.

2. In response to the first two questions, on November 7, 2018, the Departments of Health and Human Services (HHS), Labor, and the Treasury issued final rules. The rules are available for public inspection at <https://www.federalregister.gov/public-inspection/current>, and are scheduled to be published in the Federal Register on November 15, 2018.

3. Because the rules were made publicly available only one day before the current due date for the simultaneous supplemental briefs the Court ordered on October 25, the parties jointly request the Court to extend the time for the parties to address the effect of the final rules on these appeals by eight days, to and including November 16, 2018. The extension is necessary for the parties to review the final rules and meaningfully assess their effect on these appeals.

The parties appreciate the Court's assistance in this regard.

Respectfully submitted,

Sharon Swingle  
(202) 353-2689  
s/Lowell V. Sturgill Jr.  
Lowell V. Sturgill Jr.  
(202) 514-3427  
Karen Schoen  
(202) 514-3159  
*Attorneys, Civil Division*  
*Appellate Staff, Room 7241*  
*U.S. Department of Justice*  
*950 Pennsylvania Avenue, N.W.*  
*Washington, D.C. 20530*  
Attorneys for the Federal Defendants

s/Mark Rienzi  
Mark Rienzi  
Eric C. Rassbach  
Lori H. Windham  
Diana M. Verm  
The Becket Fund for Religious Liberty  
1200 New Hampshire Avenue, N.W.  
Suite 700  
Washington, D.C. 20530  
(202) 955-0095  
Counsel for Little Sisters of the Poor

s/Gregory S. Baylor  
Gregory S. Baylor  
Christen M. Price  
Alliance Defending Freedom  
440 First Street N.W., Suite 600  
Washington, D.C. 20001  
(202) 393-8690  
Counsel for March for Life

Xavier Becerra  
Julie Weng-Gutierrez  
Kathleen Boergers  
s/Karli Eisenberg  
Karli Eisenberg  
Office of the Attorney General of California  
1300 I St., 16<sup>th</sup> Flr. Sacramento, CA 95814  
Counsel for the State of California

Matthew P. Dean  
Ilona Kirshon  
Jessica M. Willey  
David J. Lyons  
Office of the Attorney General of Delaware  
Counsel for the State of Delaware

Brian E. Frosh  
Carolyn A. Quattrocki  
Steven M. Sullivan  
Kimberly S. Cammarata  
Office of the Attorney General of Maryland  
Counsel for the State of Maryland

Barbara D. Underwood  
Lisa Landau  
Steven C. Wu  
Ester Murdukhayeva  
Office of the Attorney General of New York  
Counsel for the State of New York

Mark R. Herring  
Samuel T. Towell  
Office of the Attorney General of New York  
Counsel for the State of New York

### **Certificate of Compliance**

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), I hereby certify that the foregoing Motion complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 27(e)(1)(E) and the type-volume limitations of Federal Rule of Appellate Procedure 27(e)(2). The Motion contains 353 words as calculated by Microsoft Word, and has been prepared in a proportionately spaced typeface using Times New Roman 14-point font.

s/Lowell V. Sturgill Jr.  
Lowell V. Sturgill Jr.

**Certificate of Service**

I hereby certify that on this 8th day of November, 2018, I filed the foregoing Motion by use of the Court's CM/ECF system. Service of the Motion will be made on counsel by that system.

s/Lowell V. Sturgill Jr.  
Lowell V. Sturgill Jr.