UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, et al.,

                                    Plaintiffs,

-v-

UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,

                                    Defendants.

19 Civ. 4676 (PAE)
19 Civ. 5433 (PAE)
19 Civ. 5435 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has previously accepted as related to 19 Civ. 4676 the following two later-filed

cases: (1) 19 Civ. 5433, *Planned Parenthood Federation of America, Inc., et al. v. Azar II, et al.*;

and (2) 19 Civ. 5435, *National Family Planning and Reproductive Health Association, et al. v.*

Azar, et al. See Dkt. 42. On January 12, 2019, plaintiffs in each case filed unopposed motions to

consolidate each case with 19 Civ. 4676. *See* 19 Civ. 5433, Dkt. 12; 19 Civ. 5435, Dkt. 20.

Under Federal Rule of Civil Procedure 42(a)(2), "[i]f actions before the court involve a

common question of law or fact, the court may . . . consolidate the actions." Here, plaintiffs in

each case challenge the same rule, Protecting Statutory Conscience Rights in Health Care, 94

Fed. Reg. 23,170 (May 21, 2019). The U.S. Department of Health and Human Services, the

agency that promulgated the rule at issue, is a defendant in each case. Plaintiffs in each case

challenge the rule under the Administrate Procedure Act as arbitrary and capricious and contrary

to law. Each case involves largely the same facts, including the identical administrative record

of the rule at issue.

Accordingly, the Court grants the motions to consolidate cases 19 Civ. 5433 and 19 Civ.

5435 with 19 Civ. 4676. 19 Civ. 4676 shall serve as the lead case, and counsel are directed to

file all filings on the docket of that case. The Clerk of Court is respectfully requested to grant the

motions pending at 19 Civ. 5433, Dkt. 12, and 19 Civ. 5435, Dkt. 20.

SO ORDERED.

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PAUL A. ENGELMAYER
United States District Judge

Dated: June 26, 2019
   New York, New York