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10 (continued on next page)

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 THE STATE OF CALIFORNIA; THE STATE OF
14 CONNECTICUT; THE STATE OF DELAWARE;
15 THE DISTRICT OF COLUMBIA; THE STATE OF
16 HAWAII; THE STATE OF ILLINOIS; THE
17 STATE OF MARYLAND; THE STATE OF
18 MINNESOTA, by and through its Department of
19 Human Services; THE STATE OF NEW YORK;
20 THE STATE OF NORTH CAROLINA; THE
21 STATE OF RHODE ISLAND; THE STATE OF
22 VERMONT; THE COMMONWEALTH OF
23 VIRGINIA; and THE STATE OF WASHINGTON,

Plaintiffs,

THE STATE OF OREGON,

Intervenor-Plaintiff,

THE STATE OF COLORADO, THE STATE OF
MICHIGAN and THE STATE OF NEVADA,

Proposed Intervenor-Plaintiffs,

v.

ALEX M. AZAR, II, in his Official Capacity as
Secretary of the U.S. Department of Health &
Human Services; U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES; R.
ALEXANDER ACOSTA, in his Official Capacity
as Secretary of the U.S. Department of Labor; U.S.
DEPARTMENT OF LABOR; STEVEN
MNUCHIN, in his Official Capacity as Secretary of
the U.S. Department of the Treasury; and U.S.

Case No. 4:17-cv-05783-HSG

**DEFENDANT-INTERVENOR
LITTLE SISTERS OF THE POOR,
JEANNE JUGAN RESIDENCE'S
NOTICE OF SUPPLEMENTAL
AUTHORITY**

1 DEPARTMENT OF THE TREASURY;
2 Defendants,
3 and
4 THE LITTLE SISTERS OF THE POOR, JEANNE
JUGAN RESIDENCE; and MARCH FOR LIFE
EDUCATION AND DEFENSE FUND,
5 Defendant-Intervenors.

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10 *Little Sisters of the Poor*
11 *Jeanne Jugan Residence*

12 On June 5, 2019, the district court in *DeOtte v. Azar* entered a class-wide injunction that bars the
13 agency defendants in this case from enforcing the version of the contraceptive mandate the States have
14 asked this Court to reinstate. *See Order, DeOtte v. Azar*, No. 4:18-cv-00825-O (N.D. Tex. June 5,
15 2019), Dkt. No. 76, attached as Exhibit A. The *DeOtte* class includes all religious objectors,
16 nationwide. *Id.* Proposed Intervenor State of Nevada is also a proposed intervenor in *DeOtte*.

17 While the parties will have ample opportunity to address the impact of *DeOtte* in the course of
18 ongoing summary judgment briefing, we are bringing the case to the Court's attention now in
19 connection with the pending motion to intervene by the States of Colorado, Michigan, and Nevada.
Dkt. No. 293.

20 If the Court would like additional briefing on the impact of *DeOtte* on the pending motion, we
21 would be happy to provide it at the Court's direction.

22
23 Dated: June 10, 2019

Respectfully submitted,

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/s/ Mark L. Rienzi
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