## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, et al.

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; ALEX M. AZAR II, in his official capacity as Secretary of the United States Department of Health and Human Services; and UNITED STATES OF AMERICA,

Defendants,

DR. REGINA FROST and CHRISTIAN MEDICAL AND DENTAL ASSOCIATIONS,

Defendants-Intervenors.

PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.; and PLANNED PARENTHOOD OF NORTHERN NEW ENGLAND, INC.,

Plaintiffs,

v.

ALEX M. AZAR II, in his official capacity as Secretary, United States Department of Health and Human Services; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; ROGER SEVERINO, in his official capacity as Director, Office for Civil Rights, United States Department of Health and Human Services; and OFFICE FOR CIVIL RIGHTS, United States Department of Health and Human Services,

Defendants.

No. 1:19-cv-04676-PAE (consolidated with 1:19-cv-05433-PAE; 1:19-cv-05435-PAE)

NOTICE OF MOTION FOR SUMMARY JUDGMENT

No. 1:19-cv-05433-PAE (consolidated with 1:19-cv-0476-PAE; 1:19-cv-05435-PAE)

NATIONAL FAMILY PLANNING AND No. 1:19-cv-05435-PAE REPRODUCTIVE HEALTH (consolidated with 1:19-cv-0476-PAE; ASSOCIATION; and PUBLIC HEALTH 1:19-cv-05433-PAE) SOLUTIONS, Plaintiffs, v. ALEX M. AZAR II, in his official capacity as Secretary of the U.S. Department of Health and Human Services; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; ROGER SEVERINO, in his official capacity as Director of the Office for Civil Rights of the U.S. Department of Health and Human Services; OFFICE FOR CIVIL RIGHTS of the

U.S. Department of Health and Human

Defendants.

Services,

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated August 14, 2019; the accompanying Declarations of Dr. Regina Frost, Dr. David Stevens, and Erin Norman, all dated August 14, 2019; and such argument as may be received by this Court at the time of a hearing, Defendants-Intervenors Dr. Regina Frost and the Christian Medical and Dental Associations, by and through their undersigned counsel, move this Court before the Honorable Paul A. Engelmayer, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, for an order granting summary judgment on all of Plaintiffs' claims in favor of Defendants-Intervenors pursuant to Federal Rule of Civil Procedure 56, and for such further relief as the Court deems just, necessary, and proper.

PLEASE TAKE FURTHER NOTICE that, in accordance with the July 16, 2019 Scheduling Order entered in this action, Dkt. No. 121, Plaintiffs' answering papers are to be filed and served on or before September 5, 2019, and Defendants-Intervenors' reply papers are to be filed and served on or before September 19, 2019.

Dated: August 14, 2019

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

/s/ Allyson N. Ho

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