

XAVIER BECERRA, State Bar No. 118517
Attorney General of California
KATHLEEN BOERGERS, State Bar No. 213530
KARLI EISENBERG, State Bar No. 281923
Supervising Deputy Attorneys General
NIMROD PITSKER ELIAS, State Bar No. 251634
Deputy Attorney General
1300 I Street, Suite 125
Sacramento, CA 94244-2550
Telephone: (916) 210-7913
Fax: (916) 324-5567
E-mail: Karli.Eisenberg@doj.ca.gov
*Attorneys for Plaintiff State of California
[Additional counsel listed on signature page]*

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE STATE OF CALIFORNIA; THE STATE OF CONNECTICUT; THE STATE OF DELAWARE; THE DISTRICT OF COLUMBIA; THE STATE OF HAWAII; THE STATE OF ILLINOIS; THE STATE OF MARYLAND; THE STATE OF MINNESOTA, BY AND THROUGH ITS DEPARTMENT OF HUMAN SERVICES; THE STATE OF NEW YORK; THE STATE OF NORTH CAROLINA; THE STATE OF RHODE ISLAND; THE STATE OF VERMONT; THE COMMONWEALTH OF VIRGINIA; THE STATE OF WASHINGTON.

Plaintiffs,

THE STATE OF OREGON,

Plaintiff-Intervenor,

THE STATE OF COLORADO; THE
STATE OF MICHIGAN; THE STATE OF
NEVADA,

Proposed-Plaintiffs-Intervenors,

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.

4:17-cv-05783-HSG

JOINT STATUS REPORT

Dept: 2, 4th Floor
Judge: Hon. Haywood S. Gilliam, Jr.
Action Filed: October 6, 2017

**DEPARTMENT OF LABOR; STEVEN
MNUCHIN, IN HIS OFFICIAL CAPACITY AS
SECRETARY OF THE U.S. DEPARTMENT OF
THE TREASURY; U.S. DEPARTMENT OF
THE TREASURY; DOES 1-100,** Defendants,
and,
**THE LITTLE SISTERS OF THE POOR,
JEANNE JUGAN RESIDENCE; MARCH
FOR LIFE EDUCATION AND DEFENSE
FUND,** Defendant-Intervenors.

The parties respectfully submit the following Joint Status Report pursuant to this Court’s July 9, 2020 order, and the parties’ subsequent joint statement, dated July 17, 2020. Dkt Nos. 416, 421. As the parties explained in their July 17, 2020 joint statement, the parties agree that supplemental briefing addressing the import of the Supreme Court’s decision in *Little Sisters of the Poor v. Pennsylvania* and *Trump v. Pennsylvania*, 2020 WL 3808424, Case Nos. 19-431, 19-454 (S. Ct. July 8, 2020), and its impact on Plaintiffs’ claims and the pending dispositive motions is appropriate.

The parties propose the following briefing schedule:

- Plaintiffs' Supplemental Brief (20 pages total) – due November 4, 2020
- Defendants' and Intervenor-Defendants' Supplemental Briefs (20 pages per party) – due November 25, 2020
- Plaintiffs' Reply Brief (10 pages total) – due December 4, 2020

1 Dated: October 19, 2020

Respectfully submitted,

2 XAVIER BECERRA
3 Attorney General of California
4 KATHLEEN BOERGERS
5 Supervising Deputy Attorney General
6 NIMROD PITSKER ELIAS
7 Deputy Attorney General

8 /s/ *Karli Eisenberg*

9 KARLI EISENBERG
10 Supervising Deputy Attorney General
11 *Attorneys for Plaintiff the State of California*

12 WILLIAM TONG
13 Attorney General of Connecticut
14 MAURA MURPHY OSBORNE
15 Assistant Attorney General
16 *Attorneys for Plaintiff the State of Connecticut*

17 KATHLEEN JENNINGS
18 Attorney General of Delaware
19 CHRISTIAN DOUGLAS WRIGHT
20 Director of Impact Litigation
21 JESSICA M. WILLEY
22 Deputy Attorney General
23 *Attorneys for Plaintiff the State of Delaware*

24 KARL A. RACINE
25 Attorney General of the District of Columbia
26 KATHLEEN KONOPKA
27 Deputy Attorney General, Public Advocacy
28 Division
29 ALACOQUE HINGA NEVITT
30 Assistant Attorney General
31 *Attorneys for Plaintiff the District of Columbia*

32 CLARE E. CONNORS
33 Attorney General of Hawaii
34 ERIN N. LAU
35 Deputy Attorney General
36 *Attorneys for Plaintiff the State of Hawaii*

37 KWAME RAOUL
38 Attorney General of Illinois
39 HARPREET K. KHERA
40 Deputy Bureau Chief, Special Litigation
41 Bureau
42 ELIZABETH MORRIS
43 Assistant Attorney General, Special
44 Litigation Bureau
45 *Attorneys for Plaintiff the State of Illinois*

1 BRIAN E. FROSH
2 Attorney General of Maryland
3 CAROLYN A. QUATTRICKI
4 Deputy Attorney General
5 STEVE M. SULLIVAN
Solicitor General
KIMBERLY S. CAMMARATA
Director, Health Education and Advocacy
Attorneys for Plaintiff the State of Maryland

6 KEITH ELLISON
7 Attorney General of Minnesota
8 JACOB CAMPION
9 Assistant Attorney General
Attorney for Plaintiff the State of Minnesota, by and through its Department of Human Services

10 LETITIA JAMES
11 Attorney General of New York
12 LISA LANDAU
13 Bureau Chief, Health Care Bureau
14 STEVEN C. WU
15 Deputy Solicitor General
ESTER MURDUKHAYEVA
Assistant Solicitor General
Attorneys for Plaintiff the State of New York

16 JOSHUA H. STEIN
17 Attorney General of North Carolina
18 SRIPRIYA NARASIMHAN
19 Deputy General Counsel
Attorneys for Plaintiff the State of North Carolina

20 PETER F. NERONHA
21 Attorney General of Rhode Island
MICHAEL W. FIELD
22 Assistant Attorney General
Attorneys for Plaintiff the State of Rhode Island

23 T.J. DONOVAN
24 Attorney General of Vermont
ELEANOR SPOTTSWOOD
25 Assistant Attorney General
Attorneys for Plaintiff the State of Vermont

1 MARK R. HERRING
2 Attorney General of Virginia
3 SAMUEL T. TOWELL
4 Deputy Attorney General
5 *Attorneys for Plaintiff the Commonwealth of*
6 *Virginia*

7
8 ROBERT F. FERGUSON
9 Attorney General of Washington
10 JEFFREY T. SPRUNG
11 Assistant Attorney General
12 *Attorneys for Plaintiff the State of*
13 *Washington*

14 Dated: October 16, 2020

15 Respectfully submitted,

16 ELLEN F. ROSENBLUM
17 Attorney General of Oregon

18
19 /s/ Nicole DeFever
20 (as authorized on 10/16/20)
21 J. NICOLE DEFEVER, CA Bar No. 191525
22 Senior Assistant Attorney General
23 *Attorneys for Plaintiff-Intervenor the State of*
24 *Oregon*

25 Dated: October 16, 2020

26 Respectfully submitted,

27 JEFFREY BOSSERT CLARK
28 Acting Assistant Attorney General

29 MICHELLE R. BENNETT
30 Assistant Branch Director, Federal Programs

31
32 /s/ Justin M. Sandberg
33 (as authorized on 10/16/20)
34 JUSTIN M. SANDBERG, IL Bar No. 6278377
35 Senior Trial Counsel
36 U.S. Department of Justice
37 Civil Division, Federal Programs Branch
38 1100 L Street, NW, Room 11004
39 Washington, D.C. 20005
40 Telephone: (202) 514-5838
41 Facsimile: (202) 616-8460
42 Email: Justin.Sandberg@usdoj.gov
43 *Counsel for Federal Defendants*

1 Dated: October 19, 2020

Respectfully submitted,

2 /s/ **Mark L. Rienzi**

3 (as authorized on 10/19/20)

4 MARK L. RIENZI, *pro hac vice*

5 ERIC C. RASSBACH, No. 288041

6 DIANA VERM, *pro hac vice*

7 LORI H. WINDHAM, *pro hac vice*

8 The Becket Fund for Religious Liberty

9 1200 New Hampshire Ave. NW Suite 700

Washington, DC 20036

Telephone: (202) 955-0095

Facsimile: (202) 955-0090

10 *Counsel for Defendant-Intervenor the Little
Sisters of the Poor, Jeanne Jugan Residence*

11 Dated: October 16, 2020

12 Respectfully submitted,

13 /s/ **Kenneth J. Connelly**

14 (as authorized on 10/16/20)

15 KENNETH J. CONNELLY, AZ Bar No.

16 25420

17 Alliance Defending Freedom

18 15100 N. 90th Street

19 Scottsdale, AZ 85260

20 Telephone: (480) 444-0020

21 Facsimile: (480) 444-0028

22 Email: kconnelly@ADFlegal.org

23 *Counsel for Defendant-Intervenor March for
Life Education and Defense Fund*