

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA and
STATE OF NEW JERSEY,

Plaintiffs,

v.

DONALD J. TRUMP, *in his official capacity as President of the United States*; ALEX M. AZAR II, *in his official capacity as Secretary of Health and Human Services*; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; STEVEN T. MNUCHIN, *in his official capacity as Secretary of the Treasury*; UNITED STATES DEPARTMENT OF THE TREASURY; RENE ALEXANDER ACOSTA, *in his official capacity as Secretary of Labor*; UNITED STATES DEPARTMENT OF LABOR; and UNITED STATES OF AMERICA,

Defendants,

and

LITTLE SISTERS OF THE POOR SAINTS PETER AND PAUL HOME,

Intervenor-Defendant.

No. 2:17-cv-04540-WB

JOINT STATUS REPORT

The parties in the above matter respectfully submit this joint status report and proposal for governing future proceedings in this case. On July 8, 2020, the Supreme Court issued a decision reversing the Court of Appeals' decision upholding this Court's entry of a preliminary injunction, and remanded the case to the Court of Appeals for further proceedings. On August 20, 2020, the Court of Appeals, consistent with the Supreme Court's decision, entered judgment

vacating this Court's grant of a preliminary injunction and remanded the matter to this Court for further proceedings.

The parties had previously submitted summary judgment motions, and those motions were fully briefed prior to July 31, 2019, when this Court stayed the case. In light of the Supreme Court's decision, however, the parties jointly propose that they be permitted to file new summary judgment motions and briefs, consistent with the schedule below, that will take into account the effects of the Supreme Court's decision. The prior motions could be denied as moot.

The parties have further agreed that Plaintiffs will not argue that, by agreeing to proceed via new summary judgment briefs rather than supplemental briefs, Defendants or Intervenors have conceded that Plaintiffs can raise new arguments not raised in the currently pending summary judgment motions. Plaintiffs intend to argue that it is appropriate for the parties to raise new arguments in light of the Supreme Court's decision, but agree not to argue that Defendants or Intervenors have conceded that they may do so by agreeing to the submission of new briefs.

The parties respectfully propose the following briefing schedule:

September 29: Plaintiffs file a motion for summary judgment and opening brief [45 pages]

October 23: Defendants and Intervenor each file a cross-motion for summary judgment and a combined opening brief and opposition to Plaintiffs' motion [45 pages each]

November 13: Plaintiffs file a combined reply in support of their motion and opposition to Defendants' and Intervenor's motions [35 pages]

November 24: Defendants and Intervenor each file a reply in support of their motion [15 pages each]

Finally, the parties respectfully request that they be permitted to dispense with the filing of any additional separate statements of facts, as required by the Court's policies and procedures.

August 27, 2020

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