

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

| | | |
|---|---|--------------------------|
| COMMONWEALTH OF MASSACHUSETTS, | : | |
| : | | |
| <i>Plaintiff,</i> | : | |
| : | | |
| v. | : | |
| : | | |
| UNITED STATES DEPARTMENT OF | : | |
| HEALTH AND HUMAN SERVICES; | : | |
| ALEX M. AZAR II, in his official capacity as | : | Case No. 17-cv-11930-NMG |
| Secretary of Health and Human Services; | : | |
| UNITED STATES DEPARTMENT OF THE | : | |
| TREASURY; STEVEN T. MNUCHIN, in his | : | |
| official capacity as Secretary of the Treasury; | : | |
| UNITED STATES DEPARTMENT OF | : | |
| LABOR; and EUGENE SCALIA, in his | : | |
| official capacity as Secretary of Labor, | : | |
| : | | |
| <i>Defendants.</i> | : | |
| : | | |

JOINT STATUS REPORT

Pursuant to this Court's Order of February 7, 2020 (Docket No. 132), the parties respectfully submit this Joint Status Report. On July 8, 2020, the Supreme Court issued a decision in *Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania*, 591 U.S. ____ (2020). The *Little Sisters* decision addressed some, but not all, of the claims asserted by the Commonwealth of Massachusetts in this case.

In light of these developments, the parties believe that supplemental briefing addressing the import of the Supreme Court's decision and any remaining claims and issues to be decided is appropriate. The parties thus jointly request that this Court take the following actions:

- (1) Lift the stay order entered on February 7, 2020 (Docket No. 132).

*Treated as a motion to lift stay and establish a briefing schedule and motion allowed.*¹ *NMG/forby, USDJ 9/10/20*

(2) Order that the parties submit supplemental briefs, not to exceed 20 pages, on their pending dispositive motions. The parties propose that the Plaintiff file its supplemental brief by Wednesday, September 30, 2020, and that the Defendants file their supplemental brief by Friday, October 30, 2020.

(3) Schedule a hearing on the parties' pending dispositive motions after submission of the supplemental briefs, if the Court believes it would be helpful.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS,

By its attorneys,

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ATTORNEY GENERAL

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UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES; ALEX M. AZAR II, in
his official capacity as Secretary of Health and
Human Services; UNITED STATES
DEPARTMENT OF THE TREASURY; STEVEN
T. MNUCHIN, in his official capacity as Secretary
of the Treasury; UNITED STATES
DEPARTMENT OF LABOR; EUGENE SCALIA,
in his official capacity as Secretary of Labor,

By their attorneys,

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Dated: August 31, 2020

CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 31, 2020.

/s/ Julia E. Kobick
Julia E. Kobick
Assistant Attorney General