

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

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COMMONWEALTH OF MASSACHUSETTS,	)
)	
Plaintiff-Appellant,	)
)	
v.	)
)	
U.S. DEPARTMENT OF HEALTH AND	)
HUMAN SERVICES, ET AL.,	)
)	
Defendants-Appellees	)
)	

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**CONSENT MOTION TO HOLD APPEAL IN ABEYANCE**

For the reasons set out below, defendants-appellees the U.S. Department of Health and Human Services, *et al.*, respectfully request the Court to hold this appeal in abeyance until April 30, 2021, to allow the new administration time to review the issues related to this appeal, with a status report due from the defendants-appellees on or before that date.

This case involves a challenge to final rules the defendant agencies issued in 2018 expanding the prior religious exemption to the contraceptive-coverage requirement and creating a new moral exemption. The district court issued a final order granting summary judgment for defendants-appellees, and the Commonwealth of Massachusetts appealed. The Commonwealth's opening brief is currently due March 22, 2021.

Due to the recent change in administration, there is new leadership at each of the agencies that are defendants-appellees in this appeal. To allow new agency officials at each of the agencies sufficient time to evaluate the issues in this case, defendants-appellees respectfully jointly move to place this appeal in abeyance until April 30, 2021, with a status report from defendants-appellees due on or before that date.

Defendants-appellees have consulted with counsel for the Commonwealth of Massachusetts, who have indicated the Commonwealth's position as follows: In light of the change in leadership at the federal agencies, the Commonwealth of Massachusetts assents to this motion. Nevertheless, because the challenged rules remain in effect, the Commonwealth believes this appeal should proceed expeditiously. Thus, the Commonwealth does not expect to assent to any further request to hold this appeal in abeyance after the filing of the federal agencies' status report on April 30.

Respectfully submitted,

Sharon Swingle  
s/s Lowell V. Sturgill Jr.  
Lowell V. Sturgill Jr.  
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## **CERTIFICATE OF COMPLIANCE**

Pursuant to Fed. R. App. P. 32(g), I hereby certify that this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Garamond, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A), because it contains 272 words, according to the count of Microsoft Word.

s/s Lowell V. Sturgill Jr.  
Lowell V. Sturgill Jr.

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of March, 2021, I filed the foregoing Motion by use of this Court's CM/ECF system. Service will be made on counsel by that system.

s/s Lowell V. Sturgill Jr.  
Lowell V. Sturgill Jr.