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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

16 STATE OF CALIFORNIA, *et al.*,) Case No.: 4:17-cv-5783-HSG
17 Plaintiffs,)
18 v.) **JOINT STATUS REPORT**
19 XAVIER BECERRA, Secretary of)
20 Health and Human Services, *et al.*,)
21 Defendants,)
22 and,)
23 THE LITTLE SISTERS OF THE POOR,)
24 JEANNE JUGAN RESIDENCE, *et al.*,)
25 Defendant-Intervenors)

26 On August 17, 2021 the Court stayed this case and ordered the parties to file status
27 reports every three months. ECF No. 467. The parties report as follows:

1. This case concerns the validity of two rules which create a moral exemption, and
 2 expand a religious exemption, to the rules establishing the contraceptive coverage
 3 requirement. *See Religious Exemptions and Accommodations for Coverage of Certain*
 4 *Preventive Services Under the ACA*, 83 Fed. Reg. 57,536 (Nov. 15, 2018); *Moral*
 5 *Exemptions and Accommodations for Coverage of Certain Preventive Services Under the*
 6 *ACA*, 83 Fed. Reg. 57,592 (Nov. 15, 2018).

7. The Court has before it fully briefed dispositive motions, *see* ECF Nos. 311, 366, 368,
 8 370, as well as supplemental briefs addressing the Supreme Court's decision in *Little Sisters*
 9 *of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (2020), *see* ECF
 10 Nos. 433, 435, 437, 438, 440.

11. On August 3, 2021, the parties filed a joint status report, in which Federal Defendants
 12 asked the Court to stay the case to permit the defendant agencies to evaluate the issues
 13 presented by this litigation, as well as their regulatory and policy options. ECF No. 462. The
 14 Court had once previously held the motions in abeyance. ECF No. 454. Plaintiffs and
 15 intervenor March for Life did not object to the request. Intervenor Little Sisters objected.

16. On August 16, 2021, Federal Defendants announced that “[t]he Departments [of
 17 Health and Human Services, Treasury, and Labor] intend to initiate rulemaking within 6
 18 months to amend the 2018 final regulations and obtaining public input will be included as
 19 part of the Departments' rulemaking process.” CMS.Gov, Frequently Asked Questions,
 20 Affordable Care Act Implementation FAQs (Set 48) (Aug. 16, 2021) (available at
 21 https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs#Affordable_Care_Act).

22. On August 17, 2021, the Court held a case management conference. The Court
 23 granted Federal Defendants' request to stay the case and directed “counsel . . . to e-file a joint
 24 status report every three months.” ECF No. 467.

25. Federal Defendants report that the Federal Departments continue to work toward
 26 rulemaking as described in the August 16, 2021 guidance.

27. The Little Sisters' position has not changed.

1 Dated: October 29, 2021

Respectfully submitted,

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15 Dated: October 29, 2021

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