

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, STATE OF  
CALIFORNIA, COMMONWEALTH OF  
MASSACHUSETTS, STATE OF  
COLORADO, STATE OF CONNECTICUT,  
STATE OF DELAWARE, DISTRICT OF  
COLUMBIA, STATE OF HAWAII, STATE  
OF ILLINOIS, STATE OF MAINE, STATE  
OF MARYLAND, STATE OF MICHIGAN,  
STATE OF MINNESOTA, STATE OF  
NEVADA, STATE OF NEW JERSEY,  
STATE OF NEW MEXICO, STATE OF  
NORTH CAROLINA, STATE OF  
OREGON, COMMONWEALTH OF  
PENNSYLVANIA, STATE OF RHODE  
ISLAND, STATE OF VERMONT, and  
STATE OF WISCONSIN,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

Civil Action No. 1:20-cv-5583-AKH

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE  
SUR-REPLY IN OPPOSITION TO DEFENDANTS' ASSERTION OF MOOTNESS**

Plaintiffs respectfully move this Court for leave to file a brief Sur-reply as to Defendants' Assertion of Mootness (ECF No. 180) to address factual developments that have occurred following the Parties' briefing. As the Court is aware, the outcome of the 2024 Presidential election will result in new leadership appointments at the U.S. Department of Health and Human Services shortly into the new year. Accordingly, Plaintiffs believe it would be helpful to the Court to receive the Parties' positions as to the potential impact of these changes on Plaintiffs'

claims and Defendants' assertion that they are moot. Plaintiffs propose that they be permitted to file a Sur-reply, not to exceed five pages, by November 15, 2024, and that Defendants be permitted to file a response, not to exceed five pages, by November 22, 2024. Defendants consent to this request. A proposed order is also attached.

Dated: November 8, 2024

Respectfully submitted,

LETITIA JAMES

Attorney General of the State of New York

By: /s/ Xhoana Ahmeti

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Defendants.

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**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION FOR LEAVE TO FILE  
SUR-REPLY & RESPONSE TO SUR-REPLY**

The Court having considered Plaintiffs' Unopposed Motion for Leave to File a Sur-Reply, and good cause having been shown, it is hereby

ORDERED, that the motion is GRANTED; and it is further

ORDERED, that Plaintiffs may file a Sur-reply as to Defendants' Assertion of Mootness (ECF No. 180), not to exceed five pages, by November 15, 2024; and it is further

ORDERED, that Defendants may file a response to Plaintiffs' Sur-reply, not to exceed five pages, by November 22, 2024.

Dated: \_\_\_\_\_

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JUDGE ALVIN K. HELLERSTEIN  
United States District Judge