

U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 8, 2018


By ECF and Electronic Mail

Honorable Richard J. Sullivan
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

IT IS HEREBY ORDERED THAT the deadline for the parties to submit a letter to the Court requesting to restore this action to the docket is extended until September 21, 2018. IT IS FURTHER ORDERED THAT Plaintiffs' request to rescind the dismissal of this action is DENIED.

SO ORDERED

Dated:



6/8/18 RICHARD J. SULLIVAN
U.S.D.J.

Re: *State of New York and State of Minnesota v. U.S. Department of Health and Human Services, et al.*, 18 Civ. 683 (RJS)

Dear Judge Sullivan:

This Office represents defendants United States Department of Health and Human Services (“HHS”) and Alex M. Azar II in his official capacity as Secretary of HHS (collectively, the “Defendants”) in the above-referenced matter, in which plaintiffs assert causes of action pursuant to the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.* We write on behalf of all parties to request an extension of certain deadlines set forth in the Stipulation and [Proposed] Order (“Stipulation”) that the Court adopted in its Order of May 3, 2018. *See* Dkt. No. 22. A copy of the parties’ proposed Amended Stipulation of Stay and [Proposed] Order (“Amended Stipulation”) is attached, and also has been submitted to the Orders and Judgments Clerk for review.

The parties have proceeded pursuant to the terms of the Stipulation. However, as set forth in the attached proposed Amended Stipulation, the parties have determined that additional time is necessary for Defendants to produce a complete draft administrative order and for the States to comment on that order.¹ Accordingly, the Amended Stipulation proposes to modify certain dates and deadlines. The parties have agreed that the Amended Stipulation shall supersede the original Stipulation only if the Court extends the date by which the parties may request restoration to the Court’s docket—currently set for August 1, 2018, *see* Dkt. No. 22—to September 21, 2018.

In addition, the States respectfully request that the Court amend its Order of May 3, 2018, to rescind the dismissal of this action and instead provide that this action will be held in abeyance pending further order of the Court. Defendants take no position on that request.

¹ The parties began discussions regarding this issue on May 23, 2018—the date on which HHS was to provide the States with a draft administrative order under the original Stipulation—and have been in discussions since that date regarding proposals for how to proceed in this matter. The parties reached agreement as to the terms of the proposed Amended Stipulation today.

This is the parties' first request for an extension of the deadlines set forth in the original Stipulation and first request for an extension of the deadline to seek restoration of this matter to the Court's docket.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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