

FILED

UNITED STATES COURT OF APPEALS

OCT 25 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

STATE OF CALIFORNIA; STATE OF  
DELAWARE; COMMONWEALTH OF  
VIRGINIA; STATE OF MARYLAND;  
STATE OF NEW YORK,

Plaintiffs-Appellees,

v.

ERIC D. HARGAN, in his official  
capacity as Acting Secretary of the U.S.  
Department of Health and Human  
Services; U.S. DEPARTMENT OF  
HEALTH & HUMAN SERVICES; R.  
ALEXANDER ACOSTA, in his official  
capacity as Secretary of the U.S.  
Department of Labor; U.S.  
DEPARTMENT OF LABOR; STEVEN  
TERNER MNUCHIN, in his official  
capacity as Secretary of the U.S.  
Department of the Treasury; U.S.  
DEPARTMENT OF THE TREASURY,

Defendants,

and

THE LITTLE SISTERS OF THE POOR  
JEANNE JUGAN RESIDENCE,

Intervenor-Defendant-  
Appellant.

No. 18-15144

D.C. No. 4:17-cv-05783-HSG  
Northern District of California,  
Oakland

ORDER

STATE OF CALIFORNIA; STATE OF  
DELAWARE; COMMONWEALTH OF  
VIRGINIA; STATE OF MARYLAND;  
STATE OF NEW YORK,

Plaintiffs-Appellees,

v.

ERIC D. HARGAN, in his official  
capacity as Acting Secretary of the U.S.  
Department of Health and Human  
Services; U.S. DEPARTMENT OF  
HEALTH & HUMAN SERVICES; R.  
ALEXANDER ACOSTA, in his official  
capacity as Secretary of the U.S.  
Department of Labor; U.S.  
DEPARTMENT OF LABOR; STEVEN  
TERNER MNUCHIN, in his official  
capacity as Secretary of the U.S.  
Department of the Treasury; U.S.  
DEPARTMENT OF THE TREASURY,

Defendants,

and

MARCH FOR LIFE EDUCATION AND  
DEFENSE FUND,

Intervenor-Defendant-  
Appellant.

No. 18-15166

D.C. No. 4:17-cv-05783-HSG  
Northern District of California,  
Oakland

STATE OF CALIFORNIA; STATE OF  
DELAWARE; COMMONWEALTH OF

No. 18-15255

VIRGINIA; STATE OF MARYLAND;  
STATE OF NEW YORK,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II, Secretary of the  
United States Department of Health and  
Human Services; U.S. DEPARTMENT  
OF HEALTH & HUMAN SERVICES; R.  
ALEXANDER ACOSTA, in his official  
capacity as Secretary of the U.S.  
Department of Labor; U.S.  
DEPARTMENT OF LABOR; STEVEN  
TERNER MNUCHIN, in his official  
capacity as Secretary of the U.S.  
Department of the Treasury; U.S.  
DEPARTMENT OF THE TREASURY,

Defendants-Appellants.

D.C. No. 4:17-cv-05783-HSG  
Northern District of California,  
Oakland

Before: WALLACE, KLEINFELD, and GRABER, Circuit Judges.

The parties are ordered to submit simultaneous supplemental briefs addressing the following questions: What is the status of the rules in question? If they are now being reviewed by the Office of Management and Budget, when are they likely to be published in the Federal Register? When the rules become final, will the present appeal become moot?

The briefs are not to exceed 15 pages in length and shall be filed 14 days after the entry of this order. The parties may, but are not required to, submit a joint supplemental brief in lieu of separate briefs. Parties who are registered for ECF must file the briefs electronically without submission of paper copies.