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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15	STATE OF CALIFORNIA, by and through)	
	ATTORNEY GENERAL XAVIER)	Case No.: 3:19-cv-01184-EMC
16	BECERRA,)	
)	RELATED TO
17	Plaintiff,)	
)	Case No.: 3:19-cv-01195-EMC
18	v.)	
)	DEFENDANTS' NOTICE
19	ALEX M. AZAR, in his OFFICIAL)	
20	CAPACITY as SECRETARY of the U.S.)	
21	DEPARTMENT of HEALTH & HUMAN)	
22	SERVICES; U.S. DEPARTMENT of HEALTH)	
	& HUMAN SERVICES,)	
23)	
	Defendants.)	
24	_____)	

1 ESSENTIAL ACCESS HEALTH, INC.;)
 2 MELISSA MARSHALL, M.D.,)
 3)
 4 Plaintiffs,)
 5)
 6 v.)
 7)
 8 ALEX AZAR II, Secretary of U.S.)
 9 Department of Health and Human Services;)
 10 U.S. DEPARTMENT OF HEALTH AND)
 11 HUMAN SERVICES; DOES 1-25,)
 12)
 13 Defendants.)
 14)
 15)
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10 Defendants submit this notice to inform Plaintiffs and the Court of a new rule issued by the
 11 Office of Civil Rights (OCR) in the Department of Health and Human Services (HHS) concerning
 12 federal conscience-protection statutes. The rule was published on the website of HHS today and
 13 will be published in the Federal Register in the near future. The version that was posted on HHS’s
 14 website is included as an exhibit to this notice. The rule creates procedures for HHS to enforce 25
 15 federal conscience-protection statutes and anti-discrimination statutes, including the Church
 16 Amendments, the Coats-Snowe Amendments, and the Weldon Amendment. It does not amend
 17 Title X regulations, nor does it change the status quo of the Title X program as the Department
 18 implemented that program prior to publication of the 2019 Title X Final Rule, the enforcement of
 19 which this Court has preliminarily enjoined. As HHS explains in the rule issued today, the
 20 enjoined “rule did not alter HHS’s preexisting policy dating back at least to 2008 of not enforcing
 21 requirements of the 2000 regulations where they may conflict with the federal conscience statutes
 22 as explained in this rule.” Exhibit A at 92 n.64. “This rule, similarly, does not alter that status
 23 quo, but sets forth general processes for enforcement of the Federal conscience and anti-
 24 discrimination laws.” *Id.*

25 For these reasons, Defendants do not believe that the new rule conflicts with the
 26 preliminary injunction this Court issued on April 26. Nonetheless, in an abundance of caution,
 27 Defendants are filing this notice to inform the Court of this development.
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Dated: May 2, 2019

Respectfully submitted,

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