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Counsel for Defendants

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT YAKIMA**

STATE OF WASHINGTON,

Plaintiff,

v.

ALEX M. AZAR II, in his official
capacity as Secretary of the United
States Department of Health and
Human Services; and UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants.

Nos. 1:19-cv-3040-SAB; 1:19-cv-
3045-SAB

**MOTION FOR EXPEDITED
HEARING WITHOUT ORAL
ARGUMENT ON MOTION TO
STAY PRELIMINARY
INJUNCTION PENDING
APPEAL**

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NATIONAL FAMILY PLANNING &
REPRODUCTIVE HEALTH
ASSOCIATION, FEMINIST
WOMEN’S HEALTH CENTER,
DEBORAH OYER, M.D., and
TERESA GALL, F.N.P.,

Plaintiffs,

v.

ALEX M. AZAR II, in his official
capacity as United States Secretary of
Health and Human Services, UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
DIANE FOLEY, M.D., in her official
capacity as Deputy Assistant Secretary
for Population Affairs, and OFFICE
OF POPULATION AFFAIRS,

Defendants.

Under Local Rule 7(i)(2)(C), Defendants respectfully move for an expedited hearing date as to Defendants’ Motion for Expedited Hearing without Oral Argument on their Motion to Stay Preliminary Injunction Pending Appeal Defendants’ pursuant to Local Civil Rule 7(i)(2)(C). Defendants respectfully ask that the Court rule on their stay motion on or before May 10,

1 2019. Defendants have conferred with counsel for Plaintiffs regarding this
2 motion, and Plaintiffs oppose any hearing date that occurs before May 17, 2019.

3 Good cause exists for an expedited hearing and decision on Defendants'
4 motion. For the reasons stated above, in Defendants' brief in opposition to the
5 preliminary injunction motions, and at oral argument on the motions, Defendants
6 believe that no preliminary injunction should have been issued and that this stay
7 motion should be granted. Given the Court's prior opinion, Defendants
8 recognize that the Court may disagree. The Rule, however, would have gone
9 into effect yesterday absent the injunctions from this Court and two others. In
10 Defendants' judgment therefore, every day that these injunctions remain in place
11 taxpayer funds are being spent for programs where abortion is a method of
12 family planning contrary to Congress's express directive in section 1008—and
13 the agency is stymied from implementing a judgment that the Supreme Court
14 has expressly held is permissible. Accordingly, Defendants respectfully request
15 a ruling on their motion for a stay on or before May 10, 2019, at which time
16 Defendants intend to seek relief in the Ninth Circuit.

17
18 Dated: May 4, 2019

Respectfully submitted,

19 JOSEPH H. HUNT
Assistant Attorney General

20 JOSEPH H. HARRINGTON
21 United States Attorney

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MICHELLE R. BENNETT
Assistant Branch Director

/s/ Bradley P. Humphreys
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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

/s/ Bradley P. Humphreys
BRADLEY P. HUMPHREYS
Trial Attorney
U.S. Department of Justice

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**[PROPOSED]
ORDER RE MOTION FOR
EXPEDITED HEARING DATE**

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NATIONAL FAMILY PLANNING &
REPRODUCTIVE HEALTH
ASSOCIATION, FEMINIST
WOMEN’S HEALTH CENTER,
DEBORAH OYER, M.D., and
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[PROPOSED] ORDER

Defendants’ motion to expedite the hearing date regarding Defendants’ motion to stay preliminary injunction pending appeal is GRANTED.

Based upon Defendants’ motion, IT IS ORDERED that the hearing date for Defendants’ motion for a stay of the preliminary injunction is expedited and the Court will hear and decide Defendants’ motion on or before May 10, 2019.

Dated: _____

Stanley Bastian
U.S. District Court t Judge