1	JOSEPH H. HUNT	
2	Assistant Attorney General JOSEPH H. HARRINGTON	
3	United States Attorney MICHELLE R. BENNETT	
4	Assistant Branch Director	
5	BRADLEY P. HUMPHREYS ANDREW M. BERNIE	
6	Trial Attorneys Federal Programs Branch	
7	U.S. Department of Justice, Civil Divisio	on
8	1100 L Street, N.W. Washington, DC 20005	
9	(202) 305-0878	
	Bradley.Humphreys@usdoj.gov Counsel for Defendants	
10		
11	UNITED STATES DI	STDICT COUDT
12	EASTERN DISTRICT	
13	AT YAK	IMA
14	STATE OF WASHINGTON,	Nos. 1:19-cv-3040-SAB; 1:19-cv-3045-SAB
15	Plaintiff,	
16	v.	MOTION FOR EXPEDITED HEARING WITHOUT ORAL
17	ALEX M. AZAR II, in his official	ARGUMENT ON MOTION TO STAY PRELIMINARY
18	capacity as Secretary of the United States Department of Health and	INJUNCTION PENDING APPEAL
19	Human Services; and UNITED	
20	STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES,	
21	Defendants.	
22		

1	
2	NATIONAL FAMILY PLANNING &
3	REPRODUCTIVE HEALTH
4	ASSOCIATION, FEMINIST WOMEN'S HEALTH CENTER,
-	DEBORAH OYER, M.D., and
5	TERESA GALL, F.N.P.,
6	Plaintiffs,
7	3 7
8	V.
9	ALEX M. AZAR II, in his official
	capacity as United States Secretary of Health and Human Services, UNITED
10	STATES DEPARTMENT OF
11	HEALTH AND HUMAN SERVICES, DIANE FOLEY, M.D., in her official
12	capacity as Deputy Assistant Secretary
13	for Population Affairs, and OFFICE OF POPULATION AFFAIRS,
14	
15	Defendants.
16	
17	Under Local Rule 7(i)(2)(C), Defendants respectfully move for an
18	expedited hearing date as to Defendants' Motion for Expedited Hearing without
19	Oral Argument on their Motion to Stay Preliminary Injunction Pending
20	AppealDefendants' pursuant to Local Civil Rule 7(i)(2)(C). Defendants

21

22

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	

22

1	MICHELLE R. BENNETT
2	Assistant Branch Director
3	/s/ Bradley P. Humphreys BRADLEY P. HUMPHREYS
4	(D.C. Bar No. 988057) Trial Attorney
5	United States Department of Justice Civil Division, Federal Programs
6	Branch 1100 L Street, NW
7	Washington, DC 20005 Tel: (202) 305-0878
8	Fax: (202) 616-8460 Email:
9	Bradley.Humphreys@usdoj.gov
10	Counsel for Defendants
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	

CERTIFICATE OF SERVICE 1 2 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 3 notification to all counsel of record. 4 5 /s/ Bradley P. Humphreys BRADLEY P. HUMPHREYS 6 Trial Attorney U.S. Department of Justice 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

MOTION FOR EXPEDITED HEARING WITHOUT ORAL ARGUMENT ON MOTION TO STAY PRELIMINARY INJUNCTION PENDING APPEAL U.S. DEPARTMENT OF JUSTICE 1100 L Street, N.W. Washington, DC 20005 (202) 305-0878

1	JOSEPH H. HUNT	
2	Assistant Attorney General	
3	JOSEPH H. HARRINGTON United States Attorney MICHELLE R. BENNETT	
4	Assistant Branch Director	
5	BRADLEY P. HUMPHREYS ANDREW M. BERNIE	
6	Trial Attorneys Federal Programs Branch	
7	U.S. Department of Justice, Civil Division 1100 L Street, N.W.	on
8	Washington, DC 20005	
9	(202) 305-0878 Bradley.Humphreys@usdoj.gov	
10	Counsel for Defendants	
11	UNITED STATES D	STRICT COURT
	UNITED STATES D	
12	EASTERN DISTRICT	
12 13	EASTERN DISTRICT AT YAK	OF WASHINGTON
		OF WASHINGTON
13	AT YAK	OF WASHINGTON IIMA Nos. 1:19-cv-3040-SAB; 1:19-cv- 3045-SAB
13 14	AT YAK STATE OF WASHINGTON,	OF WASHINGTON IMA Nos. 1:19-cv-3040-SAB; 1:19-cv-3045-SAB [PROPOSED] ORDER RE MOTION FOR
13 14 15	AT YAK STATE OF WASHINGTON, Plaintiff,	OF WASHINGTON IMA Nos. 1:19-cv-3040-SAB; 1:19-cv-3045-SAB [PROPOSED]
13 14 15 16	AT YAK STATE OF WASHINGTON, Plaintiff, v. ALEX M. AZAR II, in his official capacity as Secretary of the United	OF WASHINGTON IMA Nos. 1:19-cv-3040-SAB; 1:19-cv-3045-SAB [PROPOSED] ORDER RE MOTION FOR
13 14 15 16 17	AT YAK 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	OF WASHINGTON IMA Nos. 1:19-cv-3040-SAB; 1:19-cv-3045-SAB [PROPOSED] ORDER RE MOTION FOR
13 14 15 16 17 18	AT YAK STATE OF WASHINGTON, Plaintiff, v. ALEX M. AZAR II, in his official capacity as Secretary of the United States Department of Health and	OF WASHINGTON IMA Nos. 1:19-cv-3040-SAB; 1:19-cv-3045-SAB [PROPOSED] ORDER RE MOTION FOR
13 14 15 16 17 18 19	AT YAK 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	OF WASHINGTON IMA Nos. 1:19-cv-3040-SAB; 1:19-cv-3045-SAB [PROPOSED] ORDER RE MOTION FOR

1	NATIONAL FAMILY PLANNING &
2	REPRODUCTIVE HEALTH ASSOCIATION, FEMINIST
3	WOMEN'S HEALTH CENTER, DEBORAH OYER, M.D., and
4	TERESA GALL, F.N.P.,
5	Plaintiffs,
6	V.
7	ALEX M. AZAR II, in his official
8	capacity as United States Secretary of
9	Health and Human Services, UNITED STATES DEPARTMENT OF
10	HEALTH AND HUMAN SERVICES, DIANE FOLEY, M.D., in her official
11	capacity as Deputy Assistant Secretary
12	for Population Affairs, and OFFICE OF POPULATION AFFAIRS,
13	Defendants.
14	
15	
16	
17	
18	
19	
20	
21	
22	

1	[PROPOSED] ORDER	
2	Defendants' motion to expedite the hearing date regarding Defendants'	
3	motion to stay preliminary injunction pending appeal is GRANTED.	
4	Based upon Defendants' motion, IT IS ORDERED that the hearing date	
5	for Defendants' motion for a stay of the preliminary injunction is expedited and	
6	the Court will hear and decide Defendants' motion on or before May 10, 2019.	
7		
8	Dated:	<u> </u>
9	•	Stanley Bastian U.S. District Court t Judge
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		