

No. 19-1614

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

MAYOR AND CITY COUNCIL OF BALTIMORE,
Plaintiff-Appellee,

v.

ALEX M. AZAR II, in his official capacity as Secretary of the United States
Department of Health and Human Services, et al.,
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MOTION TO EXPEDITE APPEAL

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1. This appeal arises from Baltimore's challenge to a final rule issued by the Department of Health and Human Services implementing Title X of the Public Health Service Act that in all respects relevant to this challenge reinstated regulations upheld by the Supreme Court in *Rust v. Sullivan*, 500 U.S. 173 (1991). On May 30, 2019, the district court entered a preliminary injunction enjoining application of the entire rule in Maryland. On June 6, the government filed a notice of appeal and sought a stay of the preliminary injunction from the district court, which the court denied on June 19. The government has since filed a motion with this Court for a stay of the preliminary injunction pending appeal.

2. On June 20, 2019, the Ninth Circuit issued an order granting the government's motion to stay three preliminary injunctions enjoining the same rule as the preliminary injunction at issue in this appeal. *See California v. Azar*, Nos. 19-15974, 19-15979 (9th Cir. June 20, 2019); *Oregon v. Azar*, No. 19-35386 (9th Cir. June 20, 2019); *Washington v. Azar*, No. 19-35394 (9th Cir. June 20, 2019). Accordingly, Maryland is now the only place where the Rule is not in effect. Briefing in the Ninth Circuit appeals has been scheduled on an expedited basis and is due to be completed on July 22, 2019.

3. In light of the ongoing harm the district court's injunction imposes on the government, and the government's desire for resolution of these cases as quickly as possible, while remaining fair and reasonable, the government proposes the following briefing schedule:

June 27, 2019	Government's Opening Brief and Joint Appendix
July 25, 2019	Plaintiff's Response Briefs
August 15, 2019	Government's Reply Brief

Oral argument and decision to occur as soon as practicable.

4. Plaintiff has stated that it opposes the briefing schedule proposed in this motion.

CONCLUSION

For the foregoing reasons, this Court should enter the expedited briefing schedule described above and schedule oral argument for as soon as practicable.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27 because it contains 332 words. This Motion complies with the typeface and the type style requirements of Federal Rule of Appellate Procedure 27 because this brief has been prepared in a proportionally spaced typeface using Word 14-point Garamond typeface.

s/ Jaynie Lilley _____
JAYNIE LILLEY

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2019, I filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. All participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

s/ Jaynie Lilley
JAYNIE LILLEY