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 11 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

12	STATE OF CALIFORNIA, by and through)	
13	ATTORNEY GENERAL XAVIER)	Case No.: 3:19-cv-01184-EMC
14	BECERRA,)	
)	NOTICE
15	Plaintiff,)	
)	Judge: Hon. Edward M. Chen
16	v.)	
)	Date Filed: June 13, 2019
17	ALEX M. AZAR, in his OFFICIAL)	
18	CAPACITY as SECRETARY of the U.S.)	Trial Date: None
19	DEPARTMENT of HEALTH & HUMAN)	
20	SERVICES; U.S. DEPARTMENT of HEALTH)	
	& HUMAN SERVICES,)	
)	
21	Defendants.)	

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 23 Defendants submit this notice to inform the Court of a letter sent to the plaintiffs in *Obria*
 24 *Group, Inc., et al. (collectively, Obria) v. U.S. Department of Health and Human Services (HHS),*
 25 *et al.*, No. 8:19-cv-905 (C.D. Cal.). A copy of that correspondence is attached to this notice.
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1 In the above-referenced lawsuit, Obria challenges a provision of HHS' regulations that, in
2 Obria's view, requires Title X funding recipients to provide referrals for abortion. Consistent with
3 the notice Defendants provided to this Court (and the four other Courts hearing similar challenges
4 to the 2019 Title X Rule) on May 2, HHS's letter to Obria explains that "preexisting policy dating
5 back at least to 2008 [has been not to] enforc[e] requirements of the 2000 regulations where they
6 may conflict with the federal conscience statutes as explained in this rule." See attached Letter
7 (quoting *Protecting Statutory Conscience Rights in Health Care; Delegations of Authority*, 84 Fed.
8 Reg. 23170, 23,191 n.64 (May 21, 2019) (Conscience Rule)).¹ See also ECF No. 104.

10 As with the Conscience Rule, HHS's letter to Obria—setting forth HHS's policy that long
11 predates the 2019 Title X Rule at issue in this case—does not conflict with the preliminary
12 injunction this Court issued on April 26. The Court's order, by its terms, enjoined enforcement of
13 the 2019 Title X Rule, but did not otherwise alter the status quo ante including HHS' longstanding
14 policy. Defendants further note that since they filed the May 2 notices, neither this Court, Plaintiffs,
15 nor the Courts and Plaintiffs in the four other cases challenging to the 2019 Title X Rule have
16 expressed any concerns about the notices. Nonetheless, in an abundance of caution, Defendants
17 have filed this notice to inform the Court of this development.

20 Dated: June 13, 2019

Respectfully submitted,

21 JOSEPH H. HUNT
22 Assistant Attorney General

23 DAVID L. ANDERSON
24 United States Attorney

25 MICHELLE R. BENNETT
26 Assistant Branch Director

27 ¹ Defendants note that, although they issued the letter in connection with a pending case,
28 Defendants did not enter a settlement agreement with Obria.

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/s/ Bradley P. Humphreys
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CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2019, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF system.

/s/ Bradley P. Humphreys
BRADLEY P. HUMPHREYS