

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

THE FAMILY PLANNING ASSOCIATION)
OF MAINE D/B/A MAINE FAMILY)
PLANNING *et al.*,)
)
Plaintiffs,)
v.)
)
UNITED STATES DEPARTMENT OF)
HEALTH AND HUMAN SERVICES *et al.*,)
)
Defendants.)
_____)

Case No. 1:19-cv-00100-LEW

NOTICE

Defendants submit this notice to inform the Court of a letter sent to the plaintiffs in *Obria Group, Inc., et al. (collectively, Obria) v. U.S. Department of Health and Human Services (HHS), et al.*, No. 8:19-cv-905 (C.D. Cal.). A copy of that correspondence is attached to this notice.

In the above-referenced lawsuit, Obria challenges a provision of HHS’ regulations that, in Obria’s view, requires Title X funding recipients to provide referrals for abortion. Consistent with the notice Defendants provided to this Court (and the four other Courts hearing similar challenges to the 2019 Title X Rule) on May 2, HHS’s letter to Obria explains that “preexisting policy dating back at least to 2008 [has been not to] enforc[e] requirements of the 2000 regulations where they may conflict with the federal conscience statutes as explained in this rule.” See attached Letter (quoting *Protecting Statutory Conscience Rights in Health Care; Delegations of Authority*, 84 Fed. Reg. 23170, 23,191 n.64 (May 21, 2019) (Conscience Rule)).¹ See also ECF No. 66.

As with the Conscience Rule, HHS’s letter to Obria—setting forth HHS’s policy that long predates the 2019 Title X Rule at issue in this case—does not have any bearing on the issues

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

presented in this case. Defendants further note that since they filed the May 2 notices, neither this Court, Plaintiffs, nor the Courts and Plaintiffs in the four other cases challenging to the 2019 Title X Rule have expressed any concerns about the notices. Nonetheless, in an abundance of caution, Defendants have filed this notice to inform the Court of this development.

Dated: June 13, 2019

Respectfully submitted,

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/s/ Daniel Riess
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CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2019, I caused a copy of the foregoing document to be filed on the Court's 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/ Daniel Riess
DANIEL RIESS