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11 *Attorneys for Defendants*

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 CITY AND COUNTY OF SAN  
16 FRANCISCO,

17 Plaintiff,

18 v.

19 *ALEX M. AZAR II, in his official capacity as*  
20 *Secretary of Health and Human Services,*  
21 *ROGER SEVERINO, in his official capacity*  
22 *as Director of the United States Department of*  
*Health and Human Services Office for Civil*  
23 *Rights, and*  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,

24 Defendants.  
25

No. C 19-02405 WHA  
*Related to*  
No. C 19-02769 WHA  
No. C 19-02916 WHA

26 **DECLARATION OF BENJAMIN T.**  
27 **TAKEMOTO IN SUPPORT OF THE**  
28 **PARTIES' STIPULATION**

Hon. William Alsup  
Hearing: July 17, 2019, 8:00 a.m.

Phillip Burton Federal Building & United  
States Courthouse, Courtroom 12, 19th  
Floor,  
450 Golden Gate Ave., San Francisco, CA  
94102

1 I, Benjamin T. Takemoto, declare as follows:

- 2 1. I am a trial attorney at the Federal Programs Branch of the Civil Division of the United States  
3 Department of Justice. I represent Defendants in this case.
- 4 2. The statements made herein are based on my personal knowledge and on information made  
5 available to me in the course of my representation of Defendants.
- 6 3. The requested schedule is warranted in light of the delayed effective date of the Final Rule. There  
7 is no longer an imminent need to resolve Plaintiffs' motions for a preliminary injunction.  
8 Furthermore, the parties and the Court will benefit from a more deliberate briefing schedule that  
9 addresses the merits of this case.
- 10 4. There has been one previous time modification in this case: the Court extended the deadline for  
11 Defendants' opposition to Plaintiffs' motions for a preliminary injunction from June 26, 2019 to  
12 July 1, 2019.
- 13 5. The requested schedule would obviate the need for the preliminary injunction briefing schedule  
14 and hearing date set forth in the Court's June 27, 2019 order.

15 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and  
16 correct.

17 Executed on June 28, 2019.

*/s/ Benjamin T. Takemoto*  
BENJAMIN T. TAKEMOTO