

No. 19-1614

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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MAYOR AND CITY COUNCIL OF BALTIMORE,  
*Plaintiff-Appellee,*

v.

ALEX M. AZAR II, in his official capacity as Secretary of the U.S.  
Department of Health & Human Services, et al.,

*Defendants-Appellants.*

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On Appeal from the United States District Court  
for the District of Maryland

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**UNOPPOSED MOTION OF *AMICI CURIAE* AMERICAN COLLEGE OF  
OBSTETRICIANS AND GYNECOLOGISTS, AMERICAN ACADEMY OF  
PEDIATRICS, AMERICAN COLLEGE OF PHYSICIANS, SOCIETY FOR  
ADOLESCENT HEALTH AND MEDICINE, AND SOCIETY FOR  
MATERNAL-FETAL MEDICINE FOR LEAVE TO PARTICIPATE IN  
ORAL ARGUMENT**

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*(SEE SIGNATURE BLOCK FOR FULL LIST OF ATTORNEYS)*

## UNOPPOSED MOTION FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT

Pursuant to Federal Rule of Appellate Procedure 29(a)(8), the American College of Obstetricians and Gynecologists (“ACOG”), the American Academy of Pediatrics (“AAP”), the American College of Physicians (“ACP”), the Society for Adolescent Health and Medicine (“SAHM”), and the Society for Maternal-Fetal Medicine (“SMFM”) (collectively, “*Amici* Professional Associations”) respectfully seek leave of the Court to participate in oral argument.

*Amici* Professional Associations are leading medical societies whose ethical codes, policies, and guidance represent the collective judgment of physicians and other medical providers in the United States. *Amici* Professional Associations—whose members, taken together, number in the hundreds of thousands—promote the highest standards of ethics and clinical practice, including as they relate to reproductive health services. As set forth in *Amici* Professional Associations’ brief submitted in this case, *Amici* Professional Associations share the common goal of ensuring access to high-quality reproductive health care that is comprehensive, ethical, and evidence-based. As medical professional organizations with direct insight into professional standards for provider conduct and patient care, *Amici* Professional Associations are uniquely well positioned to assist the Court in understanding the medical and ethical issues at stake in this case. *Amici* Professional Associations’ unique perspective justifies their participation in oral argument to

present the view of medical professional organizations regarding the regulation promulgated by the Department of Health and Human Services, entitled “Compliance with Statutory Program Integrity Requirements” (the “Final Rule”), as it relates to the ethical duties that medical providers owe the particularly vulnerable patient populations who rely on Title X for health care.

The Court has already granted the motion of *amicus curiae* State of Ohio and thirteen other states (the “*Amici* States”) for leave to participate in oral argument. As set forth in their Motion for Oral Argument Time, the Court will be hearing from the *Amici* States concerning their “support” for the Final Rule and their perspective as Title X grantees on “how the Title X program runs through various providers” and their understanding of “their statewide constituencies’ interest in preserving Title X’s family-planning mission without abortion involvement.” (ECF No. 37 at 1.) *Amici* Professional Associations will present the Court with the medical community’s perspective on the Final Rule, particularly as it pertains to the provision of medically appropriate and ethical care for their patients who rely on Title X for essential family planning and preventive health services and information, including well-woman exams, breast and cervical cancer screenings, FDA-approved contraception methods and counseling services, screening and treatment for sexually transmitted infections, testing for HIV, pregnancy testing and counseling, and other patient education and/or health referrals.

The Court has granted the *Amici* States five (5) minutes of argument time and has afforded Plaintiff-Appellee the Mayor and City Council of Baltimore five (5) additional minutes of argument time. (ECF No. 38.) Plaintiff-Appellee has agreed to cede its additional five (5) minutes to *Amici* Professional Associations. As a result, Plaintiff-Appellee and Defendants-Appellants would each argue for twenty (20) minutes, and the *Amici* States and *Amici* Professional Associations would each argue for five (5) minutes.

For the foregoing reasons, *Amici* Professional Associations respectfully move to participate in the oral argument currently scheduled for September 18, 2019. Counsel for the parties have consented to *Amici* Professional Associations' request for five (5) minutes of Plaintiff-Appellee's oral argument time.

*(Signature page follows)*

Date: August 26, 2019

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as Amici Curiae*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of August, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit using the appellate CM/ECF system.

Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

*/s/ Douglas Hallward-Driemeier*

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## CERTIFICATE OF COMPLIANCE

The undersigned certifies that this motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2). The motion contains 552 words, excluding the parts of the motion exempted by Federal Rule of Appellate Procedure 27(d)(2) and Federal Rule of Appellate Procedure 32(f). Pursuant to Federal Rule of Appellate Procedure 27(d)(1)(E), this motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6). The motion has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in Times New Roman 14-point font.

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