

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, et al.,

Plaintiffs,

-v-

UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,

Defendants.

19 Civ. 4676 (PAE)

19 Civ. 5433 (PAE)

19 Civ. 5435 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received plaintiffs' letter dated August 15, 2019, indicating that the administrative record, which the Court ordered to be produced on July 22, 2019, has yet to be produced in complete form. The Court had not previously been aware of this circumstance, and defendants have not sought leave of Court to extend the July 22, 2019 deadline.

The Court directs defendants to respond in writing by 5 p.m. today, August 16, 2019, addressing whether the complete administrative record has been produced, and if not, why not. In the event that the complete administrative record has not been produced, the Court directs that it be produced by 5 p.m. on Monday, August 19, 2019, and that counsel for defendants by that date and time file a sworn certification on the docket of this case representing that the administrative record has been filed in complete form.

The Court hereby schedules a conference for Wednesday, August 21, 2019, at 11 a.m., which will be held in the event that defendants have not certified, by 5 p.m. on August 19, 2019, that the complete administrative record has been produced. The purpose of the conference would be to determine whether sanctions, including contempt sanctions, are appropriate, for the unexcused failure to comply with the aspect of the scheduling order in this case setting a

deadline for production of the administrative record, and to determine whether any modifications to the briefing schedule are necessary.

SO ORDERED.

Handwritten signature of Paul A. Engelmayer in cursive script.

PAUL A. ENGELMAYER
United States District Judge

Dated: August 16, 2019
New York, New York