

Case Nos. 19-15974 & 19-15979

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

STATE OF CALIFORNIA, : On Appeal from the  
Plaintiff-Appellee, : United States District Court  
v. : Northern District of California  
: :  
ALEX M. AZAR II et al., :  
Defendants-Appellants :  
:

---

ESSENTIAL ACCESS HEALTH :  
INC., et al., : On Appeal from the  
Plaintiffs-Appellees, : United States District Court  
v. : Northern District of California  
: :  
ALEX M. AZAR II et al., :  
Defendants-Appellants :  
:

---

**MOTION OF *AMICI CURIAE* OHIO AND 12 OTHER STATES  
FOR ARGUMENT TIME**

---

DAVE YOST  
Ohio Attorney General  
  
BENJAMIN M. FLOWERS\*  
Ohio Solicitor General  
*\*Counsel of Record*  
STEPHEN P. CARNEY  
Deputy Solicitor General  
30 East Broad Street, 17th Floor  
Columbus, Ohio 43215  
614-466-8980  
bflowers@ohioattorneygeneral.gov  
  
*Counsel for Ohio*  
*(Additional counsel listed on signature block)*

## MOTION FOR ORAL ARGUMENT TIME

The *amici* States respectfully move the Court for five minutes of time at oral argument in this case. The *amici* States filed an *amicus* brief supporting the rules at issue in this appeal. Since the Court will already hear from the States that oppose the new rules, the *amici* believe the Court would benefit from hearing the contrary perspective of the States supporting the rules. A similar coalition of *amici* States will argue in favor of the rules in the Fourth Circuit. *See* Order Granting Motion to Participate in Oral Argument, *Mayor & City Council of Baltimore v. Azar*, No. 19-1614 (4th Cir., July 18, 2019).

Hearing from the *amici* States may aid this Court's resolution of the case in two ways. First, because the *amici* States support Title X and the new rules, they would be uniquely harmed by the issuance of a universal injunction. Second, the *amici* States can offer useful perspective on the ability to separate Title X funds (and public-health funds generally) from abortion. Title X is structured to grant money to States. The States then spend the funds directly or, more commonly, subgrant them to local governments and private parties. Thus, the *amici* States see how the program runs through various providers. The *amici* States can also speak to their statewide constituencies' interests in preserving Title X's family-planning mission without abortion involvement.

For these reasons, the *amici* States seek five minutes of argument time at oral argument in this case. The federal defendants consent to this request, as long as the *amici* States' time is additional, and not taken from the federal defendants' time. The plaintiffs in this case, and in the cases with which it is consolidated, do not object to the *amici* States' request, with a caveat: if the *amici* States' request is granted, the various plaintiffs collectively ask for five additional minutes so that the parties supporting and opposing the rules receive equal time.

STEVE MARSHALL  
Attorney General of Alabama

LESLIE RUTLEDGE  
Attorney General of Arkansas

CURTIS T. HILL, JR.  
Attorney General of Indiana

JEFF LANDRY  
Attorney General of Louisiana

ERIC S. SCHMITT  
Attorney General of Missouri

DOUG PETERSON  
Attorney General of Nebraska

MIKE HUNTER  
Attorney General of Oklahoma

ALAN WILSON  
Attorney General of South Carolina

JASON RAVNSBORG  
Attorney General of South Dakota

HERBERT H. SLATERY III  
Attorney General and Reporter of  
Tennessee

KEN PAXTON  
Attorney General of Texas

SEAN REYES  
Attorney General of Utah

/s/ Benjamin M. Flowers

DAVE YOST

Attorney General of Ohio

BENJAMIN M. FLOWERS

Ohio Solicitor General

STEPHEN P. CARNEY

Deputy Solicitor General

30 E. Broad St., 17th Floor

Columbus, Ohio 43215

614-466-8980

[benjamin.flowers@ohioattorneygeneral.gov](mailto:benjamin.flowers@ohioattorneygeneral.gov)

## CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2019, the foregoing was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing has been served by e-mail or facsimile upon all parties for whom counsel has not yet entered an appearance and upon all counsel who have not entered their appearance via the electronic system.

/s/ Benjamin M. Flowers

Benjamin M. Flowers  
Ohio Solicitor General