

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

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

Defendants.

Case No. 1:17-cv-11930-NMG

DEFENDANTS' UNOPPOSED MOTION FOR STAY OF PROCEEDINGS

After having conferred with Plaintiff, Defendants respectfully move for a stay of all proceedings in this case. As good cause for this request, Defendants offer the following:

1. This case involves a challenge by Plaintiff to the Final Rules promulgated by the Departments of Health and Human Services, Labor, and the Treasury that expand conscience exemptions to the Affordable Care Act's mandate regarding coverage of contraceptive services.¹

2. These Final Rules were preliminarily enjoined by courts in Pennsylvania and California. *See Pennsylvania v. Trump*, 351 F. Supp. 3d 791 (E.D. Pa. 2019); *California v. Health & Human Servs.*, 351 F. Supp. 3d 1267 (N.D. Cal. 2019). Defendants appealed the preliminary injunctions to the Third and Ninth Circuits, which upheld the injunctions. *Pennsylvania v. Trump*, 930 F.3d 543 (3d Cir. 2019), *as amended* (July 18, 2019); *California v. HHS*, 941 F.3d 410, 418 (9th Cir. 2019). Defendants and an intervenor-defendant then sought Supreme Court review of the Third

¹ Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the ACA, 83 Fed. Reg. 57,536 (Nov. 15, 2018); Moral Exemptions and Accommodations for Coverage of Certain Preventive Services Under the ACA, 83 Fed. Reg. 57,592 (Nov. 15, 2018).

Motion allowed; counsel are directed to submit a joint status report on Aug 31, 2020, and every six months thereafter.
SJM/Gorton, USDJ 2/7/20