

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 24, 2020**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

v.

ALEX M. AZAR II, in his official

capacity as Secretary of the United States

Department of Health and Human

Services; and UNITED STATES

DEPARTMENT OF HEALTH AND

HUMAN SERVICES,

Defendants.

No. 1:19-cv-03040-SAB

**ORDER STRIKING HEARING;  
ORDERING BRIEFING**

NATIONAL FAMILY PLANNING &

REPRODUCTIVE HEALTH

ASSOCIATION, FEMINIST WOMEN’S

HEALTH CENTER, DEBORAH OYER,

M.D., and TERESA GALL, F.N.P.,

Plaintiffs,

v.

ALEX M. AZAR II, in his official capacity

as Secretary of the United States

Department of Health and Human

1 Services; UNITED STATES  
2 DEPARTMENT OF HEALTH AND  
3 HUMAN SERVICES, DIANE FOLEY,  
4 M.D., in her official capacity as Deputy  
5 Assistant Secretary for Population Affairs,  
6 and OFFICE OF POPULATION  
7 AFFAIRS,  
8 Defendants.  
9

10 Currently, a hearing on Defendant’s Motion to Dismiss or, in the  
11 Alternative, For Summary Judgment, ECF No 112, and Plaintiffs’ Cross-Motions  
12 for Summary Judgment, ECF No. 118, 121, is set for February 27, 2020. Recently,  
13 the Ninth Circuit issued an Opinion vacating this Court’s order granting Plaintiff’s  
14 preliminary injunction and remanding the case for further proceedings consistent  
15 with the Opinion.

16 Accordingly, **IT IS HEREBY ORDERED:**

17 1. The hearing set for February 27, 2020 on Defendant’s Motion to  
18 Dismiss or, in the Alternative, For Summary Judgment, ECF No 112, is  
19 **STRICKEN.**

20 2. The hearing set for February 27, 2020 on Plaintiff State of  
21 Washington’s Cross-Motion for Summary Judgment, ECF No. 118, is  
22 **STRICKEN.**

23 3. The hearing set for February 27, 2020 on Plaintiffs’ National Family  
24 Planning and Reproductive Health Association *et. al.* Cross-Motion for Summary  
25 Judgment, ECF No. 121, is **STRICKEN.**

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27 //  
28 //

1           4.     Within 10 days from the date of this Order, the parties are directed to  
2 file briefing suggesting steps the Court should take in light of the recent Ninth  
3 Circuit opinion.

4           **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order  
5 and forward copies to counsel.

6           **DATED** this 24th day of February 2020.



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A handwritten signature in blue ink that reads "Stanley A. Bastian".

12           Stanley A. Bastian  
13           United States District Judge