

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

STATE OF OREGON et al.,
Plaintiffs,

v.

ALEX M. AZAR II et al.,
Defendants.

AMERICAN MEDICAL ASSOCIATION et al.,
Plaintiffs,

v.

ALEX M. AZAR II et al.,
Defendants.

Case No. 6:19-cv-00317-MC (Lead Case)
Case No. 6:19-cv-00318-MC (Trailing Case)

JOINT STATUS REPORT

The parties, including all Plaintiffs in these consolidated cases, respectfully submit this status report in response to the Court's May 11, 2020 Scheduling Order. (Docket # 205).

Plaintiffs filed their respective Complaints in this Court on March 5, 2019, and soon thereafter filed motions for preliminary injunction seeking an injunction preventing the Defendants from implementing a newly-issued rule to administer the Title X family planning program under 42 U.S.C. § 300 *et seq.* Following a hearing, this Court granted those motions and entered a preliminary injunction restraining Defendants from implementing or enforcing any portion of the challenged rule (84 Fed. Reg. 7714-91 (March 4, 2019)). (Docket # 142). Preliminary injunctions against implementation of the same rule were entered by federal district courts in California and Washington as well. Defendants sought review of all three orders and a stay pending appeal in the Ninth Circuit. On June 20, 2019, the Ninth Circuit entered an order staying all three orders granting preliminary injunctions pending appeal. On February 24, 2020, the Ninth Circuit issued its *en banc* decision vacating and remanding this Court's order as well as the orders of the California and Washington district courts granting a preliminary injunction. (Docket # 165, 203). That decision is reported at *California by and through Becerra v. Azar*, 950 F.3d 1067 (9th Cir. 2020). The Ninth Circuit mandate was issued on May 22, 2020.

While Defendants' appeal was pending, Defendants moved for a stay of further proceedings in this Court pending final resolution of Defendants' appeal, which Plaintiffs opposed, but the Court granted. (Docket # 191). Plaintiffs are weighing whether to file petitions for certiorari with the United States Supreme Court, the deadline for which runs on October 5.¹

¹ See March 19, 2020, Order (available at https://www.supremecourt.gov/orders/courtorders/031920zr_d1o3.pdf).

The parties understand that this Court's stay remains in effect and request the Court to continue the stay until 30 days after the decision on the Plaintiffs' motions for preliminary injunction becomes final and all appellate review is exhausted.

DATED: June 11, 2019

Respectfully submitted,

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