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18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

21 **STATE OF CALIFORNIA, by and through**
22 **ATTORNEY GENERAL XAVIER**
BECCERRA,
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24 Plaintiff,
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26 **v.**
27 **ALEX M. AZAR, in his official capacity as**
Secretary of the U.S. DEPARTMENT OF
HEALTH & HUMAN SERVICES; U.S.
28 **DEPARTMENT OF HEALTH AND**
HUMAN SERVICES; DOES 1-100,

Case No. 3:19-cv-02769-WHA
~~PROPOSED~~ FINAL JUDGMENT

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Defendants.

Pursuant to the parties’ stipulation and the Court’s November 19, 2019 Order Re Motions to Dismiss and For Summary Judgment and Requests for Judicial Notice, ECF No. 143, the Court hereby orders and enters the following dispositions:

1. Plaintiff State of California’s Motion for Summary Judgment (ECF No. 113) is GRANTED as to its First Cause of Action and Second Cause of Action.
2. Judgment is HEREBY ENTERED in favor of Plaintiff State of California, and the challenged rule, “Protecting Statutory Conscience Rights in Health Care; Delegations of Authority,” RIN 0945-AA10, 84 Fed. Reg. 23,170 (May 21, 2019), is set aside and shall be unenforceable.
3. Plaintiff State of California’s cause of action under the Freedom of Information Act (the Ninth Cause of Action) is DISMISSED WITH PREJUDICE in accordance with the parties’ stipulation.
4. The remaining causes of action (Third, Fourth, Fifth, Sixth, Seventh, and Eighth Causes of Action) are DISMISSED AS MOOT.
5. Defendants’ Motion to Dismiss or, in the Alternative, for Summary Judgment (ECF No. 54) is DENIED.

IT IS SO ORDERED.

Dated: May 26, 2020.



The Honorable William Alsup