

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

TANYA ASAPANSA-JOHNSON WALKER,
and

CECILIA GENTILI,

Plaintiffs,

v.

**ALEX M. AZAR II, in his official capacity as
the Secretary of the United States
Department of Health and Human Services,
and**

**UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,**

Defendants.

CIVIL ACTION NO. 20-cv-02834-FB-SMG

**ORDER TO SHOW CAUSE REGARDING
ISSUANCE OF A PRELIMINARY
INJUNCTION AND SETTING
EXPEDITED BRIEFING AND
HEARING SCHEDULE**

This matter comes before the Court upon consideration of Plaintiffs’ order to show cause regarding issuance of an expedited schedule to brief and hear Plaintiffs’ motion for a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, prohibiting and enjoining Defendants Alex M. Azar II, in his official capacity as the Secretary of the United States Department of Health and Human Services, and the United States Department of Health and Human Services, and all of their respective officers, agents, servants, employees, attorneys, and persons acting in concert or participation with them, from implementing, enforcing, threatening to enforce, or otherwise applying the provisions of the rule entitled “Nondiscrimination in Health and Health Education Programs or Activities, Delegation of Authority,” 85 Fed. Reg. 37160 (June 19, 2020) (the “2020 Rule”). The allegations supporting the order to show cause are set forth in the Complaint, the exhibits to the Complaint including Plaintiffs’ Declarations, the **Memorandum in Support** of Plaintiffs’ Expedited Motion for a

Preliminary Injunction, and the **Declaration of Jason E. Starr**, sworn to on July 14, 2020, and shall not be repeated here.

Plaintiffs are HEREBY ORDERED to serve a copy of this Order, the Complaint, the exhibits, the **Memorandum in Support** of Plaintiffs' Expedited Motion for a Preliminary Injunction, Plaintiffs' Order to Show Cause Regarding Issuance of a Preliminary Injunction and Setting Expedited Briefing and Hearing Schedule, and supporting papers on Defendants **by overnight mail by no later than 5:00 p.m. on Thursday, July 16, 2020** (if not already served). Plaintiffs must file a proof of service **by no later than 6:00 p.m. on Thursday, July 16, 2020**.

IT IS FURTHER ORDERED that counsel for Defendants shall file a proper Notice of Appearance with the Court immediately upon accepting this matter and otherwise comply with the Court's ECF requirements.

IT IS FURTHER ORDERED that Defendants shall file and serve any opposition paper to Plaintiffs' Expedited Motion for a Preliminary Injunction **by 11:59 p.m. on Thursday, July 31, 2020**, and that Plaintiffs may file and serve a reply **by 11:59 p.m. on Friday, August 7, 2020**.

IT IS FURTHER ORDERED that a telephone oral argument on Plaintiffs' Expedited Motion for a Preliminary Injunction shall be heard by the Court via telephone on August 12, 2020, at 2:30 pm.

IT IS SO ORDERED.

Date: 7/16/2020

/S/ Frederic Block
HONORABLE FREDERIC BLOCK
United States District Court Judge

Prepared and submitted by:

Dated: July 14, 2020

/s/ Jason E. Starr

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** Application for admission to the U.S. District
Court for the Eastern District of New York
forthcoming*

*** Motion for pro hac vice admission
forthcoming*

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