

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON,

Plaintiff-Appellee,

v.

NORRIS COCHRAN, as Acting Secretary of Health
and Human Services, et al.,

Defendants-Appellants.

No. 20-35521

UNOPPOSED MOTION TO HOLD APPEAL IN ABEYANCE

This appeal involves a regulation issued by the U.S. Department of Health and Human Services (HHS) that addressed the manner in which insurers bill for coverage of certain abortion services. *See* 84 Fed. Reg. 71,674 (Dec. 27, 2019). A district court vacated the regulation in related litigation. *See State of California v. HHS*, No. 20-cv000682 (N.D. Cal. July 20, 2020), *appeal pending*, No. 20-16802 (9th Cir.). Due to the recent change in administration, there is new HHS leadership. To allow new agency officials sufficient time to become familiar with the issues in this case, the government respectfully moves to place this appeal in abeyance, with status reports due at 60-day intervals. Plaintiff authorized us to state that this motion is unopposed.

Respectfully submitted,

ALISA B. KLEIN
(202) 514-1597

/s/ Amanda L. Mundell
Amanda L. Mundell
(202) 514-3469
Attorneys, Appellate Staff
Civil Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Room 7236
Washington, D.C. 20530

JANUARY 2021

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the word limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 130 words.

/s/ Amanda L. Mundell
AMANDA L. MUNDELL

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2021, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Amanda L. Mundell
AMANDA L. MUNDELL