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9  
 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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 14 **STATE OF CALIFORNIA, by and through**  
**ATTORNEY GENERAL XAVIER**  
**BECERRA,**

15  
 16 Plaintiff,

17 v.

18 **NORRIS COCHRAN<sup>1</sup>, acting**  
**SECRETARY of the U.S. DEPARTMENT**  
**of HEALTH & HUMAN SERVICES; U.S.**  
**DEPARTMENT of HEALTH & HUMAN**  
**SERVICES,**

19  
 20  
 21 Defendants.  
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Case Nos. 3:19-cv-01184-EMC;  
 3:19-cv-01195-EMC

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 24 **STIPULATION AND ~~PROPOSED~~**  
**ORDER TO CONTINUE MARCH 11**  
**STATUS CONFERENCE**

25 Dept: Courtroom 5, 17th floor  
 26 Judge: Hon. Edward M. Chen  
 Trial Date: TBD  
 27 Action Filed: March, 2019

28 <sup>1</sup> Acting Secretary Cochran has been substituted as defendant, in his official capacity, by operation of Federal Rule of Civil Procedure 25(d).

1 Plaintiffs the State of California, Essential Health Access, Inc., and Melissa Marshall,  
2 M.D. (collectively, Plaintiffs) and Defendants Norris Cochran, in his official capacity as Acting  
3 Secretary of the U.S. Department of Health & Human Services, and the U.S. Department of  
4 Health and Human Services (collectively, Defendants), through their counsel of record, stipulate  
5 as follows:

6 1. On January 28, 2021, the White House issued a presidential memorandum titled  
7 “Memorandum on Protecting Women’s Health at Home and Abroad.”<sup>2</sup> The memorandum states

8 The Secretary of Health and Human Services shall review the Title X Rule and  
9 any other regulations governing the Title X program that impose undue  
10 restrictions on the use of Federal funds or women’s access to complete medical  
11 information and shall consider, as soon as practicable, whether to suspend, revise,  
12 or rescind, or publish for notice and comment proposed rules suspending,  
13 revising, or rescinding, those regulations, consistent with applicable law,  
14 including the Administrative Procedure Act.

15 2. On February 22, 2021, the United States Supreme Court granted the petitions for  
16 certiorari in *Am. Med. Ass’n, et al. v. Cochran* (20-429), *Cochran v. Mayor and City Council of*  
17 *Baltimore* (20-454), and *Oregon, et al. v. Cochran* (20-539).

18 3. Defendants’ review pursuant to the presidential memorandum and the Supreme  
19 Court’s grant of petitions for certiorari may materially impact this case. It would therefore  
20 conserve the resources of the Court and the parties to continue the status conference to May 6,  
21 2021. The parties will file a joint status conference statement on April 29, 2021.

22 4. The parties further request that the case remain stayed until May 6, 2021.

23 **IT IS SO STIPULATED.**

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27 <sup>2</sup> *Memorandum on Protecting Women’s Health at Home and Abroad*, The White House  
28 (Jan. 28, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/28/memorandum-on-protecting-womens-health-at-home-and-abroad/>

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Dated: March 4, 2021

Respectfully Submitted,

XAVIER BECERRA  
Attorney General of California  
KATHLEEN BOERGERS  
Supervising Deputy Attorney General  
ANNA RICH

KETAKEE KANE  
Deputy Attorneys General  
*Attorneys for Plaintiff the State of California\**  
\*Under Local Rule 5-1(i)(3), the filer attests  
that all signatories have concurred in the  
filing of this document.

Dated: March 4, 2021

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Attorneys for Plaintiffs  
ESSENTIAL ACCESS HEALTH, INC.  
and MELISSA MARSHALL, M.D.

Dated: March 4, 2021

Respectfully Submitted,

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**~~PROPOSED~~ ORDER**

The Court, having considered the parties' stipulation to continue the status conference, orders as follows:

1. The status conference is continued to May 6, 2021. The parties' joint status conference statement is due on April 29, 2021.
2. The case is stayed until May 6, 2021 at 10:30AM.

**IT IS SO ORDERED.**

Dated: March 4, 2021



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The Honorable Edward M. Chen  
United States District Judge