

1 BRIAN BOYNTON
 Acting Assistant Attorney General
 2 DAVID L. ANDERSON
 United States Attorney
 3 MICHELLE R. BENNETT
 Assistant Branch Director
 4 JUSTIN M. SANDBERG, IL. BAR NO. 6278377
 Senior Trial Counsel
 5 MICHAEL GERARDI
 CHRISTOPHER R. HEALY
 6 REBECCA M. KOPPLIN
 DANIEL RIESS
 7 Trial Attorneys
 United States Department of Justice
 8 Civil Division, Federal Programs Branch
 1100 L Street NW
 9 Washington, D.C. 20001
 Telephone: (202) 514-5838
 10 Email: Justin.Sandberg@usdoj.gov
 Counsel for Federal Defendants
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12 **IN THE UNITED STATES DISTRICT COURT**
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 14 **OAKLAND DIVISION**
 15

16 STATE OF CALIFORNIA, *et al.*,

17 Plaintiffs,

18 v.

19 NORRIS COCHRAN, Acting Secretary of
 20 Health and Human Services, *et al.*,¹

21 Defendants,

22 and,

23 THE LITTLE SISTERS OF THE POOR,
 24 JEANNE JUGAN RESIDENCE, *et al.*,

25 Defendant-Intervenors

) Case No.: 4:17-cv-5783-HSG

) **FEDERAL DEFENDANTS'**
) **ADMINISTRATIVE MOTION TO**
) **STAY ALL PROCEEDINGS**

26
 27 ¹ Acting Secretary Cochran, Acting Secretary of Labor Al Stewart, and Secretary of Treasury
 Janet Yellen have been substituted as defendants, in their official capacity, by operation of Federal
 28 Rule of Civil Procedure 25(d).

1 Pursuant to Civil Local Rule 7-11 and Federal Rule of Civil Procedure 6(b)(1)(A), Federal
2 Defendants hereby move for a stay of proceedings in the above-captioned case until April 30, 2021,
3 while new leadership evaluates the issues presented by this case.

4 1. This case concerns the validity of two rules which create a moral exemption, and expand a
5 religious exemption, to the rules establishing the contraceptive coverage requirement. *See* Religious
6 Exemptions and Accommodations for Coverage of Certain Preventive Services Under the ACA, 83
7 Fed. Reg. 57,536 (Nov. 15, 2018); Moral Exemptions and Accommodations for Coverage of Certain
8 Preventive Services Under the ACA, 83 Fed. Reg. 57,592 (Nov. 15, 2018).

9 2. The Court has before it fully briefed dispositive motions, *see* ECF Nos. 311, 366, 368, 370,
10 as well as supplemental briefs addressing the Supreme Court’s decision in *Little Sisters of the Poor*
11 *Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367 (2020), *see* ECF Nos. 433, 435, 437,
12 438, 440.

13 3. The Court has the inherent power to stay this case to save “time and effort for itself, for
14 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936).

15 4. New leadership at the federal defendant agencies—the U.S. Department of Health and
16 Human Services, the U.S. Department of Labor, and the U.S. Department of the Treasury—and the
17 U.S. Department of Justice is currently in the process of arriving and needs additional time to
18 evaluate the issues that this case presents. It would therefore conserve the resources of the Court and
19 the parties to stay the case until April 30, 2021, while the agencies undertake this reassessment.

20 5. Federal Defendants propose to file a status report with the Court on or before April 30, 2021.

21 6. This is the third motion for a stay filed by Federal Defendants. Federal defendants filed (i)
22 an agreed-to motion to stay proceedings pending the resolution of the appeals on the Court’s first
23 order issuing a preliminary injunction, ECF No. 146, and (ii) a motion to stay proceedings due to a
24 lapse in the federal government’s appropriations, ECF No. 180.

25 6. Opposing counsel state that while Plaintiffs believe that this case is ready for adjudication,
26 they would not oppose a stay if Federal Defendants filed a status report every 30 days, and if Plaintiffs
27 retained the right to move for a decision on their pending motion for summary judgment in the event
28

1 that no regulatory action had occurred within 60 days. Counsel for intervenor March for Life states
2 that March for Life does not oppose the proposed stay. Counsel for intervenor The Little Sisters of
3 the Poor Jeanne Jugan Residence states that his client opposes the stay.

4 Therefore, the Government hereby moves for a stay of proceedings in this case until April
5 30, 2021, to permit new leadership to evaluate the issues presented by this case.

6
7
8 Dated: March 1, 2021

Respectfully submitted,

9 BRIAN BOYNTON
Acting Assistant Attorney General

10 DAVID L. ANDERSON
United States Attorney

11 MICHELLE R. BENNETT
Assistant Branch Director

12
13 /s/ Justin M. Sandberg
14 JUSTIN M. SANDBERG, IL Bar No. 6278377
Senior Trial Counsel
15 MICHAEL GERARDI
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17 Trial Attorneys
United States Department of Justice
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Telephone: (202) 514-5838
20 Email: Justin.Sandberg@usdoj.gov
21 *Counsel for Federal Defendants*

1 1. I am a Senior Trial Counsel with the United States Department of Justice. I am an attorney
2 of record in the above-captioned matter.

3 2. I have personal knowledge of all facts stated in this declaration, and if called to testify, I could
4 and would testify competently thereto.

5 3. I contacted counsel for plaintiffs and intervening defendants regarding this motion. Counsel
6 for plaintiffs, Ketakee R. Kane, stated that that while Plaintiffs believe that this case is ready for
7 adjudication, they would not oppose a stay if Federal Defendants filed a status report every 30 days,
8 and if Plaintiffs retained the right to move for a decision on their pending motion for summary
9 judgment in the event that no regulatory action had occurred within 60 days. Counsel for intervening
10 defendant The Little Sisters of the Poor Jeanne Jurgan Residence, Mark Rienzi, stated that The Little
11 Sisters oppose the proposed stay. Counsel for intervening defendant March for Life, Ken Connelly,
12 stated that his client does not oppose the proposed stay.
13

14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct and that this declaration was executed on March 1, 2021.
16

17
18 /s/ Justin M. Sandberg
JUSTIN M. SANDBERG, IL Bar No. 6278377
Senior Trial Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, D.C. 20001
Telephone: (202) 514-5838
Email: Justin.Sandberg@usdoj.gov
Counsel for Federal Defendants
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

STATE OF CALIFORNIA, <i>et al.</i> ,	}	Case No.: 4:17-cv-5783-HSG
Plaintiffs,	}	
v.	}	[PROPOSED] ORDER
NORRIS COCHRAN, Acting Secretary of Health and Human Services, <i>et al.</i> ,	}	
Defendants,	}	
and,	}	
THE LITTLE SISTERS OF THE POOR, JEANNE JUGAN RESIDENCE, <i>et al.</i> ,	}	
Defendant-Intervenors	}	

The Court, having considered the Federal Defendants’ motion to stay proceedings in this case, hereby GRANTS the motion and STAYS the case until April 30, 2021. Federal Defendants shall file a status report on or before April 30, 2021.

IT IS SO ORDERED, this _____ day of _____, 2021.

Dated: _____

HON. HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE