

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MAYOR AND CITY COUNCIL OF BALTIMORE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*

Defendants.

Case No. 1:19-cv-01103-RDB

JOINT STATUS REPORT

The parties respectfully submit the following status report in response to the Court's February 18, 2021 Order.

On February 22, 2021, the United States Supreme Court granted the petition for certiorari regarding the Fourth Circuit's decision affirming this Court's permanent injunction. *See Becerra, et al. v. Mayor & City Council of Baltimore* (20-454); *see also Am. Med. Ass'n, et al. v. Becerra, et al.* (20-429); *Oregon, et al. v. Becerra, et al.* (20-539). On March 12, 2021, the parties filed a stipulation to dismiss the case, which the Supreme Court has not yet acted upon. The government subsequently informed the Supreme Court that the Department of Health and Human Services (HHS) has determined that it will issue a Notice of Proposed Rulemaking by April 15, 2021, that will propose rescinding the 2019 rule at issue in this case and replacing it with a different rule substantively similar to the version that was in place from 2000 to 2019. *See Am. Med. Ass'n, et al. v. Becerra* (20-429), Gov't Opp. to Motions to Intervene 3 (Mar. 18, 2021). HHS expects to

have any final rule in place by early fall and effective before the 2022 Title X funding announcement issued in December 2021. *Id.*

In light of these events, the parties respectfully request that the Court continue to hold this matter in abeyance. The parties further propose to file an additional status report by no later than June 1, 2021.

Dated: April 1, 2021

/s/ Andrew Tutt

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