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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
AT YAKIMA**

STATE OF WASHINGTON,  
  
Plaintiff,  
  
v.  
  
ALEX M. AZAR II, *et al.*,  
  
Defendants.

NO. 1:19-cv-3040-SAB

JOINT STATUS REPORT  
PURSUANT TO THE COURT'S  
MARCH 9, 2021 ORDER (ECF  
NO. 159)

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NATIONAL FAMILY PLANNING &  
REPRODUCTIVE HEALTH  
ASSOCIATION, *et al.*,  
  
Plaintiffs,  
  
v.  
  
ALEX M. AZAR II, *et al.*,  
  
Defendants.

1 The parties file this Joint Status Report pursuant to the Court’s March 9,  
2 2021 Order, ECF No. 159.

3 On October 1, 2020, a number of national and state health care  
4 organizations and providers, including the two private-party organization  
5 plaintiffs in this case and Dr. Oyer, filed a petition for a writ of certiorari seeking  
6 Supreme Court review of the Ninth Circuit’s decision. Relatedly, the government  
7 petitioned for a writ of certiorari seeking Supreme Court review of the Fourth  
8 Circuit decision that conflicts with the Ninth Circuit ruling.

9 After the Supreme Court granted certiorari on February 22, 2021, HHS  
10 issued a notice of proposed rulemaking (“NPRM”) for the Title X family planning  
11 program, entitled “Ensuring access to equitable, affordable, client-centered,  
12 quality family planning services,” 86 Fed. Reg. 19812 (Apr. 15, 2021). The  
13 proposed regulations would rescind the 2019 rule at issue in this litigation and  
14 largely reinstate the rules that had been promulgated in 2000 (65 Fed. Reg. 41270).  
15 The Supreme Court dismissed the appeals on May 17, 2021, upon the stipulation  
16 and joint request of all parties thereto. Order, Case Nos. 20-429, 20-454, 20-539  
17 (May 17, 2021).

18 The parties are now each considering how these cases should proceed in  
19 light of these recent developments. To give the parties a short amount of  
20 additional time for discussions, the parties propose to file another status report on  
21 or before June 11, 2021 to update the Court at that time on the status of and  
22 anticipated next step in these matters.

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Dated: June 1, 2021

Respectfully submitted,

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