

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

BRIAN D. NETTER
Deputy Assistant Attorney General
MICHELLE R. BENNETT
Assistant Branch Director
BRADLEY P. HUMPHREYS
R. CHARLIE MERRITT
Trial Attorneys
Federal Programs Branch
U.S. Department of Justice, Civil Division
1100 L Street, N.W.
Washington, DC 20005
(202) 305-0878
Bradley.Humphreys@usdoj.gov
Counsel for Defendants

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

STATE OF WASHINGTON,

Plaintiff,

v.

XAVIER BECERRA, *et al.*,

Defendants.

NO. 1:19-cv-3040-SAB

JOINT STATUS REPORT
PURSUANT TO THE COURT'S
JUNE 2, 2021 ORDER (ECF NO.
162)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

NATIONAL FAMILY PLANNING &
REPRODUCTIVE HEALTH
ASSOCIATION, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

The parties file this Joint Status Report pursuant to the Court’s June 2, 2021 Order, ECF No. 162.

As we have previously reported, *see* ECF No. 161, on February 22, 2021, HHS issued a notice of proposed rulemaking (“NPRM”) for the Title X family planning program, entitled “Ensuring access to equitable, affordable, client-centered, quality family planning services,” 86 Fed. Reg. 19812 (Apr. 15, 2021). The proposed regulations would rescind the 2019 rule at issue in this litigation and largely reinstate the rules that had been promulgated in 2000 (65 Fed. Reg. 41270). The comment period for the proposed 2021 rulemaking closed on May 17, 2021.

The parties have agreed that in light of these recent developments, voluntary dismissal without prejudice of this matter is appropriate. The parties will file a stipulation of voluntary dismissal pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure today to conclude this litigation.

Dated: June 11, 2021
Respectfully submitted,

1 BRIAN D. NETTER
Deputy Assistant Attorney General

2 MICHELLE R. BENNETT
3 Assistant Branch Director

4 /s/ Bradley P. Humphreys
BRADLEY P. HUMPRHEYS
5 R. CHARLIE MERRITT
6 Trial Attorneys
7 U.S. Department of Justice
8 Civil Division, Federal Programs Branch
9 1100 L Street, NW
Washington, DC 20005
10 Tel: (202) 305-0878
11 Fax: (202) 616-8470
12 Bradley.Humphreys@usdoj.gov

13 *Counsel for Defendants*

14 Joe Shaeffer, WSBA No. 33273
15 MACDONALD HOAGUE &
16 BAYLESS
17 705 Second Ave, Suite 1500
18 Seattle, WA 98104
19 joe@mhb.com

/s/ John Midgley
John Midgley, WSBA No. 6511
AMERICAN CIVIL LIBERTIES
UNION OF WASHINGTON
FOUNDATION
P.O. Box 2728
Seattle, WA 98111
jmidgley@aclu-wa.org

Ruth E. Harlow*
Brigitte Amiri*
AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
125 Broad Street, 18th Floor
New York, New York 10004
rharlow@aclu.org
bamiri@aclu.org

20 *Admitted *pro hac vice*

21 *Attorneys for NFPRHA Plaintiffs*

22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

ROBERT W. FERGUSON
Attorney General

/s/ Kristin Beneski
KRISTEN BENESKI, WSBA No. 45478
JEFFREY T. SPRUNG, WSBA No. 23607
PAUL M. CRISALLI, WSBA No. 40681
Assistant Attorneys General
800 Fifth Avenue, Suite 2000
Seattle, WA 98014
(206) 464-7744
Kristin.beneski@atg.wa.gov
Jeff.sprung@atg.wa.gov
paul.crisalli@atg.wa.gov

Attorneys for Plaintiff State of Washington