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9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION
 12

13 **STATE OF CALIFORNIA, by and through**
 14 **ATTORNEY GENERAL ROB BONTA,**

15 Plaintiff,

16 v.

17 **U.S. DEPARTMENT of HEALTH &**
 18 **HUMAN SERVICES, et al.,**

19 Defendants.
 20

21 **ESSENTIAL ACCESS HEALTH, INC.;**
 22 **MELISSA MARSHALL, M.D.,**

23 Plaintiffs,

24 v.

25 **U.S. DEPARTMENT of HEALTH &**
 26 **HUMAN SERVICES, et al.,**

27 Defendants.
 28

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

**JOINT STIPULATION AND
 [PROPOSED] ORDER OF VOLUNTARY
 DISMISSAL**

1 1. As the parties have previously reported, on February 22, 2021, the U.S. Department
2 of Health & Human Services (“HHS”) issued a notice of proposed rulemaking (“NRPM”) for the
3 Title X family planning program, entitled “Ensuring access to equitable, affordable, client-
4 centered, quality family planning services,” 86 Fed. Reg. 19,812 (Apr. 15, 2021). The proposed
5 regulations would rescind the 2019 rule at issue in this litigation and largely reinstate the rules
6 that had previously been promulgated in 2000 (65 Fed. Reg. 41,270). The comment period for
7 the proposed 2021 rulemaking closed on May 17, 2021.

8 2. The parties have agreed that, in light of these recent developments, voluntary
9 dismissal without prejudice in this matter is appropriate, with each party to bear its own fees and
10 costs.

11 3. Accordingly, pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(A)(ii), the
12 parties hereby file a joint stipulation of voluntary dismissal without prejudice signed by all parties
13 who have appeared in this action. Accordingly, this action has concluded.

14 **IT IS SO STIPULATED.**

15 Dated: July 1, 2021

Respectfully Submitted,
ROB BONTA
Attorney General of California
KATHLEEN BOERGERS
Supervising Deputy Attorney General
ANNA RICH

19 /s/ Ketakee Kane
20 KETAKEE KANE
21 Deputy Attorneys General

Attorneys for Plaintiff the State of California

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Dated: July 1, 2021

KEKER, VAN NEST & PETERS LLP

By: /s/ Connie Sung

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

Dated: July 1, 2021

Respectfully Submitted,

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Assistant Branch Director

/s/ R. Charlie Merritt

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[PROPOSED] ORDER

Based on the foregoing, and good cause appearing, the Court DISMISSES the action without prejudice, with each party to bear its own fees and costs.

IT IS SO ORDERED.

Dated: _____

HON. EDWARD M. CHEN