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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 XAVIER BECERRA, Secretary of
 20 Health and Human Services, *et al.*,

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

) **JOINT STATUS REPORT**

26 On August 17, 2021 the Court stayed this case and ordered the parties to file status
 27 reports every three months. ECF No. 467. The parties report as follows:

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

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

3. On August 3, 2021, the parties filed a joint status report, in which Federal Defendants asked the Court to stay the case to permit the defendant agencies to evaluate the issues presented by this litigation, as well as their regulatory and policy options. ECF No. 462. The Court had once previously held the motions in abeyance. ECF No. 454. Plaintiffs and intervenor March for Life did not object to the request. Intervenor Little Sisters objected.

4. On August 16, 2021, Federal Defendants announced that “[t]he Departments [of Health and Human Services, Treasury, and Labor] intend to initiate rulemaking within 6 months to amend the 2018 final regulations and obtaining public input will be included as part of the Departments’ rulemaking process.” CMS.Gov, Frequently Asked Questions, Affordable Care Act Implementation FAQs (Set 48) (Aug. 16, 2021) (available at https://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs#Affordable_Care_Act).

5. On August 17, 2021, the Court held a case management conference. The Court granted Federal Defendants’ request to stay the case and directed “counsel . . . to e-file a joint status report every three months.” ECF No. 467.

6. Federal Defendants report that the Federal Departments continue to work toward rulemaking as described in the August 16, 2021 guidance.

7. The Little Sisters’ position has not changed.

1 Dated: October 29, 2021

Respectfully submitted,

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