

1 DENNIS J. HERRERA, State Bar #139669  
 City Attorney  
 2 JESSE C. SMITH, State Bar #122517  
 Chief Assistant City Attorney  
 3 RONALD P. FLYNN, State Bar #184186  
 Chief Deputy City Attorney  
 4 YVONNE R. MERÉ, State Bar #173594  
 Chief of Complex and Affirmative Litigation  
 5 SARA J. EISENBERG, State Bar #269303  
 Chief of Strategic Advocacy  
 6 JAIME M. HULING DELAYE, State Bar #270784  
 Deputy City Attorney  
 7 City Hall, Room 234  
 1 Dr. Carlton B. Goodlett Place  
 8 San Francisco, California 94102-4602  
 Telephone: (415) 554-4633  
 9 Facsimile: (415) 554-4715  
 E-Mail: sara.eisenberg@sfcityatty.org

10 Attorneys for Plaintiff  
 11 CITY AND COUNTY OF SAN FRANCISCO

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 CITY AND COUNTY OF SAN  
 16 FRANCISCO,

17 Plaintiff,

18 vs.

19 ALEX M. AZAR II, Secretary of U.S.  
 Department of Health and Human Services;  
 20 ROGER SEVERINO, Director, Office for  
 Civil Rights, Department of Health and Human  
 21 Services; U.S. DEPARTMENT OF HEALTH  
 AND HUMAN SERVICES; and DOES 1-25,

22 Defendants.  
 23  
 24  
 25  
 26  
 27  
 28

Case No. 3:19-cv-2405-WHA

**PLAINTIFFS' NOTICE OF FILING IN *STATE OF CALIFORNIA V. AZAR, ET AL.*, NO. 3:19-CV-02769 (N.D. CAL.)**

Judge: Hon. William H. Alsup

**NOTICE OF FILING**

Plaintiffs respectfully notify the Court of the filing of Plaintiffs' Notice of Motion and Motion for Summary Judgment, with Memorandum of Points and Authorities; and Opposition to Defendants' Motion to Dismiss or, In the Alternative, For Summary Judgment, and related attachments, today in *State of California v. Azar, et al.*, No. 3:19-cv-02769 (N.D. Cal.) (*see* ECF Nos. 58-113), and the filing on that docket on September 9, 2019, of the Appendix in Support of Plaintiffs' Motion for Summary Judgment and in Opposition to Defendants' Motion to Dismiss or, In the Alternative, For Summary Judgment, and related attachments (*see* ECF No. 57). Pursuant to the joint proposal submitted in response to the Court's August 21, 2019 Order (*see* ECF No. 56 in *State of California v. Azar, et al.*), those filings apply in this case as well.

An index for the filings appears below.

ECF No.	DESCRIPTION OF FILING
57	Appendix in Support of Plaintiffs Motion for Summary Judgment and in Opposition to Defendants' Motion to Dismiss or, in the Alternative, For Summary Judgment
58	Declaration of David H. Aizuss, MD, President of the California Medical Association
59	Declaration of Lois Backus, M.P.H., Executive Director of Medical Students for Choice
60	Declaration of Elizabeth Barnes, President of the Women's Centers
61	Declaration of Robert Bolan, Chief Medical Officer and Director of Clinical Research for the Los Angeles LGBT Center
62	Declaration of Dr. Brad Buchman Chief Medical Officer for Student Health and Counseling and Chief Medical Officer for the Student Health Insurance Plan of UC Health, University of California
63	Declaration of Julie Burkhart, Founder and Chief Executive Officer of Trust Women
64	Declaration of Mari Cantwell, Medicaid Director for the State of California and Chief Deputy Director of Health Care Programs at the California Department of Health Care Services

ECF No.	DESCRIPTION OF FILING
65	Declaration of Ward Carpenter, MD, Co-Director of the Health Services for the Los Angeles LGBT Center
66	Declaration of Pete Cervinka, Chief Deputy Director of the California Department of Social Services
67	Declaration of Randie C. Chance, Director of the new Department of Justice Research Center with the California Justice Information Services Division of the California Department of Justice
68	Declaration of Wendy Chavkin, M.D., MPH, Columbia University
69	Declaration of Dr. Alice Chen, Chief Medical Officer and Deputy Director for the San Francisco Health Network
70	Declaration of Sara H. Cody, M.D., Director of Santa Clara County Public Health Department and Health Officer
71	Declaration of Dr. Grant Colfax, Director of the San Francisco Department of Public Health
72	Declaration of Dr. Christopher Colwell, Chief of Emergency Medicine at Zuckerberg San Francisco General Hospital and Trauma Center
73	Declaration of Darrel Cummings, Chief of Staff of the Los Angeles LGBT Center
74	Declaration of Dr. Eleanor Drey, Medical Director of the Zuckerberg San Francisco General Hospital Women's Options Center
75	Declaration of Dr. Randi C. Ettner, Licensed Clinical and Forensic Psychologist
76	Declaration of Mark Ghaly, Secretary of the California Health & Human Services Agency
77	Declaration of Debra Halladay, Interim Chief Executive Officer of Valley Health Plan
78	Declaration of Mary E. Hanna-Weir, Deputy County Counsel for the County of Santa Clara
79	Declaration of Roy Harker, Executive Director of The Association of LGBTQ+ Psychiatrists

ECF No.	DESCRIPTION OF FILING
80	Declaration of Dr. Jeanne Harris-Caldwell, Executive board member for the Health Services Association, California Community College and the Dean of Wellness, Social Services, and Child Development at Saddleback College
81	Declaration of Sarah Henn, MD, MPH, Chief Health officer of Whitman-Walker Clinic, Inc. dba Whitman-Walker Health
82	Declaration of Bruce Hinze, Attorney with the California Department of Insurance Health Policy Approval Bureau
83	Declaration of Kevin Kish, Director of the California Department of Fair Employment and Housing
84	Declaration of Ricardo Lara, Insurance Commissioner of the State of California
85	Declaration of Paul E. Lorenz, Chief Executive Officer of Santa Clara Valley Medical Center, O'Connor Hospital, and St. Louise Hospital
86	Declaration of Alecia Manley, Interim Chief Operating Officer of the Mazzone Center
87	Declaration of Colleen P. McNicholas, D.O., M.S.C.I., F.A.C.O.G. Medical Director of Trust Women's clinics in Washington, Oklahoma, and Kansas. Chief Medical Officer of Planned Parenthood of the St. Louis Region and Southwest Missouri
88	Declaration of Ken Miller, M.S., Ph.D., Medical Director for the County of Santa Clara's Emergency Medical Services Agency and the County's Emergency Medical Services System
89	Declaration of Joseph Morris, Executive Officer of the Board of Registered Nursing
90	Declaration of Brandon Nunes, Chief Deputy Director of Operations for the California Department of Public Health
91	Declaration of Neli N. Palma, Deputy Attorney General for the Office of the California Attorney General
92	Declaration of Seth Pardo, Epidemiologist for the Behavioral Health Branch of the San Francisco Health Network of San Francisco Department of Public Health
93	Declaration of Frances Parmalee, Assistant Vice Chancellor of College Finance and Facilities Planning Division with the California Community Colleges

ECF No.	DESCRIPTION OF FILING
94	Declaration of Rachael Phelps, M.D., Medical Director of Medical Students for Choice
95	Declaration of Denise Pines, President of the Medical Board of California
96	Declaration of Stirling Price, Chief Deputy Director, California Department of State Hospitals
97	Declaration of Randy Pumphrey, D.Min., LPC, BCC, Senior Director of Behavioral Health at Whitman-Walker Clinic, Inc., dba Whitman-Walker Health
98	Declaration of Ben Rosenfield, Controller for the City and County of San Francisco
99	Declaration of Naseema Shafi, Chief Executive Officer of Whitman-Walker Clinic, Inc. dba Whitman-Walker Health
100	Declaration of Adrian Shanker, Founder and Executive Director of the Bradbury-Sullivan Center
101	Declaration of Christine Siador, Deputy Director of the Population Health Division and the Director of the Office of Operations, Finance & Grant Management in the San Francisco Department of Public Health
102	Declaration of Narinder Singh, Pharm. D., Director of Pharmacy for Santa Clara County
103	Declaration of Jill Sproul, R.N., Chief Nursing Officer for Santa Clara Valley Medical Center, O'Connor Hospital, and St. Louise Hospital
104	Declaration of Jay Sturges, Associate Secretary, Fiscal Policy and Administration, for the California Labor and Workforce Development Agency
105	Declaration of Diana Toche, D.D.S., Undersecretary for Health Care Services, California Department of Corrections and Rehabilitation
106	Declaration of Toni Tullys, M.P.A., Director of the County's Behavioral Health Services Department
107	Declaration of Modesto Valle, Chief Executive Officer of Center on Halsted
108	Declaration of Hector Vargas, Executive Director of American Association of Physicians for Human Rights, Inc., d/b/a GLMA: Health Professionals Advancing LGBTQ Equality

ECF No.	DESCRIPTION OF FILING
109	Declaration of Greg Wagner, Chief Financial Officer for the San Francisco Department of Public Health
110	Declaration of Ron Weigelt, Director of Human Resources for the San Francisco Public Health Department
111	Declaration of Christopher M. Zahn, MD, Vice President, Practice Activities at the American College of Obstetricians and Gynecologists
112	Declaration of Dr. Barry Zevin, Medical Director of Gender Health SF in the San Francisco Department of Public Health
113	Plaintiffs' Notice of Motion and Motion for Summary Judgment, with Memorandum of Points and Authorities; And Opposition to Defendants' Motion to Dismiss or, In the Alternative, For Summary Judgment
113-1	Request for Judicial Notice
113-2	Proposed Order Granting Plaintiffs' Joint Motion for Summary Judgment and Denying Defendants' Motion to Dismiss Or, In the Alternative, For Summary Judgment
113-3	Certificate Of Service

Dated: September 12, 2019

DENNIS J. HERRERA  
City Attorney  
JESSE C. SMITH  
RONALD P. FLYNN  
YVONNE R. MERÉ  
SARA J. EISENBERG  
JAIME M. HULING DELAYE  
Deputy City Attorneys

By: /s/ Sara J. Eisenberg  
SARA J. EISENBERG  
Deputy City Attorney

Attorneys for Plaintiff  
CITY AND COUNTY OF SAN FRANCISCO