

1 Marjorie J. Menza, State Bar No. 321512  
 HUESTON HENNIGAN LLP  
 2 523 West 6th Street, Suite 400  
 Los Angeles, CA 90014  
 3 mmenza@hueston.com  
 Telephone: (213) 788-4340  
 4 Facsimile: (888) 775-0898

5 Shannon Rose Selden\*  
 DEBEVOISE & PLIMPTON LLP  
 6 919 Third Avenue  
 New York, NY 10022  
 7 srselden@debevoise.com  
 Telephone: (212) 909-6082  
 8 Facsimile: (212) 909-6836  
 \*Admitted pro hac vice

9 Attorneys for *Amici Curiae*

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 CITY AND COUNTY OF SAN FRANCISCO,

13 Plaintiff,

14 vs.

15 ALEX M. AZAR II, et al.,

16 Defendants.

17 STATE OF CALIFORNIA, by and through  
 ATTORNEY GENERAL XAVIER  
 18 BECERRA,

19 Plaintiff,

20 vs.

21 ALEX M. AZAR, et al.,

22 Defendants.

23 COUNTY OF SANTA CLARA, et al.

24 Plaintiffs,

25 vs.

26 U.S. DEPARTMENT OF HEALTH AND  
 HUMAN SERVICES, et al.

27 Defendants.  
 28

Case No. 3:19-cv-02405-WHA  
*Related to*  
 Case No. 3:19-cv-02769-WHA  
 Case No.: 3:19-cv-02916-WHA

**UNOPPOSED MOTION FOR LEAVE TO  
 SUBMIT BRIEF OF LEADING MEDICAL  
 ORGANIZATIONS AS *AMICI CURIAE* IN  
 SUPPORT OF PLAINTIFFS' OPPOSITION  
 TO DEFENDANTS' MOTION TO DISMISS  
 OR, IN THE ALTERNATIVE, FOR  
 SUMMARY JUDGMENT**

Judge: Hon. William Alsup  
 Department: 12

Date: October 30, 2019  
 Time: 8:00 a.m.  
 Courtroom: Philip Burton Federal Building &  
 United States Courthouse  
 450 Golden Gate Ave., 19th Floor  
 San Francisco, CA 94102

1 The American College of Obstetricians and Gynecologists, the American Medical  
2 Association, the American Academy of Pediatrics, the American College of Emergency Physicians,  
3 the American College of Osteopathic Obstetricians and Gynecologists, the American Society for  
4 Reproductive Medicine, the National Association of Nurse Practitioners in Women’s Health, the  
5 Society for Maternal-Fetal Medicine, the American College of Nurse-Midwives, the North  
6 American Society for Pediatric and Adolescent Gynecology, the American Muslim Health  
7 Professionals, the California Medical Association, Kaiser Permanente, and the World Professional  
8 Association for Transgender Health (collectively, “*amici*”), respectfully move for leave to file the  
9 accompanying *amicus* brief in support of Plaintiffs’ opposition to Defendants’ motion to dismiss,  
10 or in the alternative, motion for summary judgment, to be heard on October 30, 2019 at 8:00 a.m.  
11 The parties consent to the filing of the brief.

12 *Amici* move this Court for an order (1) granting the proposed amici leave to submit the  
13 attached proposed brief in the above-captioned case; (2) accepting for consideration the proposed  
14 brief that has been filed electronically and duly served; and (3) granting such other and further  
15 relief as this Court deems just and proper.

16 *Amici* are the leading medical organizations representing physicians and health practitioners  
17 in the United States. They include the American Medical Association, the largest professional  
18 association of physicians, residents, and medical students in the country; the American College of  
19 Obstetricians and Gynecologists, the nation’s leading organization of physicians who provide  
20 health services unique to women; the American Academy of Pediatrics, representing more than  
21 67,000 pediatricians and pediatric subspecialists; the American College of Emergency Physicians,  
22 the leading advocate for emergency physicians and their patients, and many others. *Amici* are  
23 dedicated to healthcare, to research, and to evidence-based health policy. *Amici* are opposed to all  
24 forms of discrimination, and are committed to advocating for the public health and to preserving  
25 access to healthcare for all ages and populations.

26 *Amici* have valuable insight to provide to the Court as to the implications of the Department  
27 of Health and Human Services rule entitled “Protecting Statutory Conscience Rights in Health  
28 Care,” 84 Fed. Reg. 23170 (May 21, 2019) (“the Rule”) for patient health and the ethical practice

1 of medicine. “The classic role of amicus curiae is to assist a court in a case of public interest by  
2 supplementing the efforts of counsel, and drawing the court's attention to law that escaped  
3 consideration. As this Court has previously recognized, whether to allow *amici* to file a brief is  
4 solely within the Court's discretion, and generally courts have exercised great liberality in  
5 permitting amicus briefs.” *California by & through Becerra v. United States Dep’t of the Interior*,  
6 381 F. Supp. 3d 1153, 1163–64 (N.D. Cal. 2019) (noting the Court’s “broad discretion” to allow  
7 third parties to file *amicus curiae* briefs) (quotations and citations omitted). For these reasons,  
8 *amici* respectfully request leave to file an *amicus* brief addressing the impact of the Rule.

9  
10 Dated: September 12, 2019

Respectfully submitted,

11  
12 /s/ Marjorie Menza

Marjorie Menza

Rami Bachour

HUESTON HENNIGAN LLP

523 West 6th St., Suite 400

Los Angeles, CA 90014

*mmenza@hueston.com*

13  
14  
15  
16  
17 Shannon Rose Selden\*

DEBEVOISE & PLIMPTON LLP

919 Third Avenue

New York, NY 10022

*srselden@debevoise.com*

18  
19  
20 Anna A. Moody\*

DEBEVOISE & PLIMPTON LLP

801 Pennsylvania Ave, NW

Washington, D.C. 20004

*amoody@debevoise.com*

21  
22  
23  
24  
25  
26  
27  
28  
\*admitted pro hac vice

1 Marjorie J. Menza, State Bar No. 321512  
HUESTON HENNIGAN LLP  
2 523 West 6th Street, Suite 400  
Los Angeles, CA 90014  
3 mmenza@hueston.com  
Telephone: (213) 788-4340  
4 Facsimile: (888) 775-0898

5 Shannon Rose Selden\*  
DEBEVOISE & PLIMPTON LLP  
6 919 Third Avenue  
New York, NY 10022  
7 srselden@debevoise.com  
Telephone: (212) 909 6082  
8 Facsimile: (212) 909 6836  
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*Related to*  
Case No. 3:19-cv-02769-WHA  
Case No.: 3:19-cv-02916-WHA

**[PROPOSED] ORDER**

Judge: Hon. William Alsup  
Department: 12

Date: October 30, 2019  
Time: 8:00 a.m.  
Courtroom: Philip Burton Federal Building &  
United States Courthouse  
450 Golden Gate Ave., 19th Floor  
San Francisco, CA 94102

1 This matter having come before the Court by motion of the American College of  
2 Obstetricians and Gynecologists, the American Medical Association, the American Academy of  
3 Pediatrics, the American College of Emergency Physicians, the American College of Osteopathic  
4 Obstetricians and Gynecologists, the American Society for Reproductive Medicine, the National  
5 Association of Nurse Practitioners in Women’s Health, the Society for Maternal-Fetal Medicine,  
6 the American College of Nurse-Midwives, the North American Society for Pediatric and  
7 Adolescent Gynecology, the American Muslim Health Professionals, the California Medical  
8 Association, Kaiser Permanente, and the World Professional Association for Transgender Health  
9 (collectively, “*amici*”), seeking leave to submit a brief of Leading Medical Organizations as *amici*  
10 *curiae* in the above-captioned matter, and the Court having reviewed the file and pleadings herein,  
11 and being otherwise fully advised in the matter, hereby finds good cause to allow amici  
12 participation.

13 IT IS HEREBY ORDERED:

14 The Unopposed Motion for Leave to Submit Brief of Leading Medical Organizations as  
15 *Amici Curiae* in Support of Plaintiffs is GRANTED.

16 This \_\_ day of \_\_\_\_, 2019.

17  
18  
19 The Honorable William Alsup