

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA  
City Attorney

OFFICE OF THE CITY ATTORNEY

SARA J. EISENBERG  
Deputy City Attorney

Direct Dial: (415) 554-4633  
Email: sara.eisenberg@sfcityatty.org

January 7, 2020

Honorable William Alsup  
United States District Court  
Northern District of California  
San Francisco Courthouse, Courtroom 12  
450 Golden Gate Avenue  
San Francisco, California 94102

Re: *City and County of San Francisco v. Azar, et al., et al.*, Case No. 19-cv-2405-WHA

Dear Judge Alsup:

Pursuant to the Court's direction to the parties in its November 19, 2019 "Order re Motions to Dismiss and for Summary Judgment," the parties have met and conferred on the form of a final judgment and submit the attached proposed final judgment relating to San Francisco's case for the Court's consideration.

Very truly yours,

DENNIS J. HERRERA  
City Attorney of San Francisco

UNITED STATES DEPARTMENT  
OF JUSTICE

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

/s/ Benjamin T. Takemoto  
BENJAMIN T. TAKEMOTO  
Trial Attorney

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.

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

**[PROPOSED] FINAL JUDGMENT**

**[PROPOSED] FINAL JUDGMENT**

For the reasons detailed in the Court’s November 19, 2019, Order, (ECF No. 147), the Court enters the following dispositions:

Plaintiff City and County of San Francisco’s Motion for Summary Judgment (*see* ECF No. 116; *State of California v. Azar et al.*, No. 3:19-cv-02769 (N.D. Cal.), ECF No. 113) is **GRANTED** as to Count I. In all other respects, plaintiff’s motion is moot. Judgment is **HEREBY ENTERED** in favor of plaintiff, and the challenged rule is set aside and shall be unenforceable. Plaintiff’s remaining claims are dismissed as moot.

Defendants’ Motion to Dismiss or, in the Alternative, for Summary Judgment (ECF No. 89) is **DENIED**.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HON. WILLIAM ALSUP  
United States District Judge