

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF MASSACHUSETTS,

*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
ALEX M. AZAR II, in his official capacity as  
Secretary of Health and Human Services;  
UNITED STATES DEPARTMENT OF THE  
TREASURY; STEVEN T. MNUCHIN, in his  
official capacity as Secretary of the Treasury;  
UNITED STATES DEPARTMENT OF  
LABOR; and EUGENE SCALIA, in his  
official capacity as Secretary of Labor,

*Defendants.*

Case No. 17-cv-11930-NMG

**JOINT STATUS REPORT**

Pursuant to this Court's Order of February 7, 2020 (Docket No. 132), the parties respectfully submit this Joint Status Report. On July 8, 2020, the Supreme Court issued a decision in *Little Sisters of the Poor Saints Peter and Paul Home v. Pennsylvania*, 591 U.S. \_\_\_\_ (2020). The *Little Sisters* decision addressed some, but not all, of the claims asserted by the Commonwealth of Massachusetts in this case.

In light of these developments, the parties believe that supplemental briefing addressing the import of the Supreme Court's decision and any remaining claims and issues to be decided is appropriate. The parties thus jointly request that this Court take the following actions:

- (1) Lift the stay order entered on February 7, 2020 (Docket No. 132).

*Treated as a motion to lift stay and establish a briefing schedule and motion allowed. 1/11/20, USDJ 9/10/20*

- (2) Order that the parties submit supplemental briefs, not to exceed 20 pages, on their pending dispositive motions. The parties propose that the Plaintiff file its supplemental brief by Wednesday, September 30, 2020, and that the Defendants file their supplemental brief by Friday, October 30, 2020.
- (3) Schedule a hearing on the parties' pending dispositive motions after submission of the supplemental briefs, if the Court believes it would be helpful.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS,

By its attorneys,

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Julia E. Kobick

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of the Treasury; UNITED STATES  
DEPARTMENT OF LABOR; EUGENE SCALIA,  
in his official capacity as Secretary of Labor,

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Dated: August 31, 2020

**CERTIFICATE OF SERVICE**

I certify that this document filed through the CM/ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 31, 2020.

/s/ Julia E. Kobick  
Julia E. Kobick  
Assistant Attorney General