

NFPRHA Winter Seasonal Meeting



The Fight for Title X: Litigation Update

Robin Summers, NFPRHA

Ruth Harlow, ACLU Reproductive Freedom Project

December 8-10, 2019
Dallas, TX

Key Actions to Date

- **April 25, 2019:** Eastern District of Washington (EDWA) grants NFPRHA preliminary injunction (PI) blocking Title X rule; HHS appeals and asks for stay of preliminary injunction pending appeal
- **June 20:** Ninth Circuit 3-judge panel stays PI; NFPRHA seeks en banc reconsideration
- **July:** Ninth Circuit grants reconsideration but leaves stay in place
- **September 23:** Ninth Circuit hears oral argument on PI appeal*



What's Next



- **Ruling by Ninth Circuit on PI**
 - Expected before March 2020
- **EDWA consideration of merits case**
 - October: HHS opening brief submitted
 - November: NFPRHA opening brief submitted
 - **January 3**: HHS' responsive brief due
 - **February 3**: NFPRHA's responsive brief due
 - **February 27**: Oral argument

Cases Challenging Title X Rule

Case Name	District Court	Circuit Court	Case Status (as of December 4, 2019)
Family Planning Ass'n of Maine v. HHS	Maine	First Circuit	District court denied motion for PI; amended complaint for permanent injunction filed November 22
Mayor and City Council of Baltimore v Azar, et al.	Maryland	Fourth Circuit	Awaiting Fourth Circuit ruling on PI; District court merits case oral argument planned for January 2020, date TBD*
California v. Azar, et al.; Essential Access Health v. Azar, et al.	California	Ninth Circuit	Awaiting Ninth Circuit ruling on PI; District court merits case stayed pending Ninth Circuit PI ruling
State of Oregon, et al. v. Azar, et al.; American Medical Association, et al., v. Azar, et al.	Oregon	Ninth Circuit	Awaiting Ninth Circuit ruling on PI; District court merits case stayed pending Ninth Circuit PI ruling
Washington v. Azar, et al.; NFPRHA v. Azar, et al.	Washington	Ninth Circuit	Awaiting Ninth Circuit ruling on PI; District court merits case oral argument February 27, 2020



Strategy and Interplay

Questions?



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