

No. 19-35386(L)

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF OREGON, ET AL.

Plaintiff-Appellee

v.

ALEX M. AZAR II,

SERVICES, UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, ET AL.

Defendants-Appellants

AMERICAN MEDICAL ASSOCIATION, ET AL.,

Plaintiffs-Appellees,

v.

ALEX M. AZAR II, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN SERVICES, UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, ET AL.

Defendants-Appellants

Additional Counsel for Amici Curiae Public Health and Health Policy Deans,
Chairs, and Scholars and the American Public Health Association

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rules of Appellate Procedure 26.1 and 29(a)(4)(A),

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STATEMENT OF INTEREST OF AMICI CURIAE ¹

This brief is submitted on behalf of the American Public Health Association and the following academic department chairs, academic scholars and academic deans of educational institutions (together, “Public Health Amici”), in support of Plaintiffs’ emergency motion for reconsideration ~~on~~ ^{en} banc:

1. Lynn A. Goldman, MD, MPH, MS, Michael and Lori Milken Dean of Public Health, Milken Institute School of Public Health, The George Washington University;

2. Jane Hyatt Thorpe, JD, Associate Professor, Vice Chair for Academic Affairs and Interim Chair, Department of Health Policy and Management, Milken Institute School of Public Health, The George Washington University;

3. Susan F. Wood, PhD, Professor, Department of Health Policy and Management, Director, Jacobs Institute of Women’s Health, Milken Institute School of Public Health, The George Washington University;

4. Leighton Ku, PhD, MPH, Professor, Department of Health Policy and Management, Director, Center for Health Policy Research, Milken Institute School of Public Health, The George Washington University;

¹ No counsel for a party has authored this brief in whole or in part, and no party or counsel for a party has made a monetary contribution intended to fund the preparation or submission of this brief. No person other than or their counsel has made a monetary contribution to the preparation or submission of this brief. Fed. R. App. P. 29(a)(4)(E).

5. Jeffrey Levi, PhD, Professor of Health Policy and Management, Milken Institute School of Public Health, The George Washington University;

6. Maureen Byrnes, Lead Research Scientist, Department of Health Policy and Management, Milken Institute School of Public Health, The George Washington University; and,

7. Sara Rosenbaum, JD, Harold and Jane Hirsh Professor of Health Law and Policy, Department of Health Policy and Management, Milken Institute School of Public Health, The George Washington University

The Public Health Amicars are affiliated with educational institutions that focus on matters of public health policy, spanning policies that promote the health of individuals and populations and affect the accessibility and quality of care as well as health system performance. They are among the nation's leading experts in the field of health policy, with particular expertise in reproductive health and health care and access to reproductive health and other health care services within medically underserved communities and by medically vulnerable populations. The Public Health Amicars seek to ensure the highest standard of sexual and reproductive health care for all people by promoting evidence-based policies and by conducting research according to the highest standards of methodological rigor.

Pursuant to Federal Rule of Appellate Procedure 29(a), the Public Health Amici submit this brief without an accompanying motion for leave to file or leave of court because all parties have consented to its filing.

ARGUMENT

In certain of the lower court actions that are appealed in this action (Case Nos. 19-cv-00317 & 19-cv-00318, D. Or.), Amici Curiae Public Health and Health Policy Deans, Chairs, and Scholars and the American Public Health Association (hereafter, "Public Health Amici") filed a Memorandum in Support of the Plaintiffs' Motion for Preliminary Injunction (ECF No. 70 No. 19-cv-318). Following Defendants-Appellants' appeal of the lower court ruling, Public Health Amici have been diligently working to prepare a motion for leave to file their proposed amicus brief in support of the Plaintiffs-Appellees' appeal. In the interim, certain of the Public Health Amici, as

X health care providers nationwide, which in turn will cause comparable harm to patients, with a disproportionate impact on low-income and rural Americans. In order to avoid this irreparable harm, the Court should grant Plaintiffs Appellees' emergency motion for reconsideration and maintain the status quo by halting the implementation of the finTJ 1.444 03.8208 738.7792 wr chqr3 (Tw ()Tj -0.028 To

The existing national network of Title X providers serves a particularly acute health care need for rural and low-income Americans. It will take many years for health care providers to fill the

Dated: June 26, 2019

By: /s/ Philip Shecter

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CERTIFICATE OF COMPLIANCE

I certify pursuant to Circuit Rule 29-2 that the foregoing Brief in Support of Plaintiffs-Appellants' Emergency Motion for Reconsideration Bands proportionately spaced, has a typeface of 14 points or more,

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on June 26, 2019. I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: June 26, 2019.

/s/ Philip Shecter _____
Philip Shecter