

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Mar 18, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

v.

ALEX M. AZAR II, in his official  
capacity as Secretary of the United States  
Department of Health and Human  
Services; and UNITED STATES  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES,

Defendants.

NATIONAL FAMILY PLANNING &  
REPRODUCTIVE HEALTH  
ASSOCIATION, FEMINIST WOMEN’S  
HEALTH CENTER, DEBORAH OYER,  
M.D. and TERESA GALL, F.N.P.,

Plaintiffs,

v.

ALEX M. AZAR II, in his official capacity  
as Secretary of the United States  
Department of Health and Human  
Services; and UNITED STATES

No. 1:19-cv-03040-SAB

No. 1:19-cv-03045-SAB

**ORDER GRANTING MOTION  
TO CONSOLIDATE; MOTION  
TO EXPEDITE; AND SETTING  
BRIEFING SCHEDULE**

1 DEPARTMENT OF HEALTH AND  
2 HUMAN SERVICES, DIANE FOLEY,  
3 M.D., in her official capacity as Deputy  
4 Assistance Secretary for Population  
5 Affairs, and OFFICE OF POPULATION  
6 AFFAIRS,  
7 Defendants.  
8

9 Before the Court are the State of Washington's Unopposed Motion to  
10 Consolidate for Pretrial Proceedings, ECF No. 7, and the parties' Joint Motion to  
11 Expedite and Set Briefing Schedule on Motions for Preliminary Injunction, ECF  
12 No. 6. The State asks that two related cases be consolidated for scheduling and  
13 other pretrial purposes, *State of Washington v. Azar, et al.*, No. 1:19-cv-3040-  
14 SAB, and *National Family Planning & Reproductive Health Ass'n, et al. v. Azar,*  
15 *et al.*, No. 1:19-cv-03045-SAB. It indicates that no party opposes consolidation.  
16 The Court finds that the interest of judicial convenience outweighs any potential  
17 for delay, confusion and prejudice. As such, good cause exists to grant the motion  
18 and to set a briefing schedule for the anticipate Motions for Preliminary  
19 Injunction.

20 Accordingly, **IT IS HEREBY ORDERED:**

21 1. The State of Washington's Unopposed Motion to Consolidate for  
22 Pretrial Proceedings, ECF No. 7, is **GRANTED**.

23 2. All future pleadings shall be filed under Case No. 1:19-cv-03040-  
24 SAB, unless the Court directs otherwise. Case No. 1:19-cv-03045-SAB shall be  
25 administratively closed.

26 3. The parties' Joint Motion to Expedite and Set Briefing Schedule on  
27 Motions for Preliminary Injunction, [1:19-cv-03040-SAB, ECF No. 6], [1:19-cv-  
28 3045-SAB, ECF No. 17] is **GRANTED**.

**ORDER GRANTING MOTION TO CONSOLIDATE; MOTION TO  
EXPEDITE; AND SETTING BRIEFING SCHEDULE ~ 2**

1 4. The Court imposes the following briefing schedule and page  
2 limitation:

- 3 a. **March 22, 2019:** Plaintiffs in both cases will file their respective  
4 motions for preliminary injunction of no more than 45 pages each.  
5 b. **April 12, 2019:** Defendants will file their opposition to the  
6 motions in the form of a consolidated response of no more than 75  
7 pages.  
8 c. **April 19, 2019:** Plaintiffs will each file a reply brief of no more  
9 than 30 pages each.

10 5. The hearing on Plaintiffs' Motions for Preliminary Injunction is set  
11 for **April 25, 2019, at 10:00 a.m.**, in Yakima, Washington.

12 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order  
13 and forward copies to counsel.

14 **DATED** this 18th day of March 2019.



21

22 Stanley A. Bastian  
23 United States District Judge  
24  
25  
26  
27  
28