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January 17, 2023

By ECF

Application **GRANTED**. The stay is extended until **April 10, 2023**. By **April 17, 2023**, the parties shall file a joint status letter.

The Honorable Lorna G. Schofield  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Dated: January 18, 2023  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

**Re:** *Sisters of Life v. James V. McDonald, Acting Commissioner of the  
New York State Department of Health, in his Official Capacity  
USDC SDNY Civil Action No. 1:22-cv-07529 (LGS)*

Dear Judge Schofield:

This office represents the defendant, James V. McDonald, M.D., M.P.H., Acting Commissioner of the New York State Department of Health (hereinafter defendant or "DOH") in this action. Pursuant to the Court's order, dated October 12, 2022 (the "Order"), I write on behalf of both parties to update the Court on the status of this matter and to request an extension of the litigation stay that the Court entered through its Order.

In its Order, the Court granted the joint request of the parties to stay this litigation for 90 days, on the terms set forth more fully in the Court's Order and in the parties' joint request. In the interim period, Dr. Mary Bassett resigned as Commissioner of DOH. On January 1, 2023, Dr. James McDonald was appointed Acting Commissioner of DOH (pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Dr. McDonald is automatically substituted as the Defendant for the claims originally brought as against Dr. Bassett).

The parties have continued to communicate constructively with one another and now jointly request that the Court grant a 90-day extension of the Stay Period, leaving in place all other terms set forth in the Order. DOH has advised that while it continues to make progress on the implementation of the statute, it has not yet fully determined the scope or timing of any information requests it is permitted to make under the statute. The parties have agreed that an extension of the

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Stay Period on the same terms set forth in the Order is the most efficient course for the parties and for the Court at this time.

For all of these reasons, the parties now jointly and respectfully request that the Court grant a 90-day extension of the Stay Period, leaving in place all other terms set forth in the Order. Both parties have reviewed and consented to the foregoing terms.

The parties thank the Court for its assistance in this matter.

Respectfully submitted,

/s/

James Mirro  
Assistant Attorney General

cc: All Counsel (by ECF)