

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON

CIVIL ACTION NO. 6:22-CV-00095-REW-EBA

PHI HEALTH, LLC, *et al.*,

PLAINTIFFS,

V.

ORDER

U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES, *et al.*,

DEFENDANTS.

*** **

This matter is before the Court on Plaintiffs' Unopposed Motion to Continue the Stay. [R. 64]. By prior order, the undersigned issued a stay in this case for a period of six months and directed the parties to submit monthly status reports to keep the Court apprised of the status of related litigation to this case that is proceeding in the Fifth Circuit. [R. 47]. The undersigned then extended the stay by another six months and continued to direct the parties to keep the Court apprised of the proceedings in the Fifth Circuit. [R. 56]. The parties have done so and now request that the stay be continued until the Fifth Circuit appellate proceedings have concluded and that the parties be permitted to file an Amended Complaint and Answer after the stay has been lifted. [R. 64]. Having reviewed the matter and being sufficiently advised,

IT IS ORDERED that Plaintiffs' Unopposed Motion to Continue the Stay [R. 64] is GRANTED. This matter shall be STAYED until the resolution of appellate proceedings (including in the Supreme Court, if certiorari is sought) in *Texas Medical Association et al. v. United States Dep't of Health & Hum. Servs.*, 23-40605 (5th Cir.) ("*TMA III Appeal*"). Upon expiration of the stay, Plaintiffs shall file any Amended Complaint within **30 days** following the lifting of this stay

and Defendants shall file any Answer to Plaintiffs' Amended Complaint within **60 days** of the filing of said Amended Complaint.

IT IS FURTHER ORDERED that counsel shall continue to file a joint status report on the **first Tuesday of every month** advising the Court on the status of this related litigation and whether the stay can be lifted in this matter.

Signed September 12, 2024.



Signed By:

Edward B. Atkins *EBA*

United States Magistrate Judge