

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA**

**STATE OF FLORIDA, *et al.***

Plaintiffs,

v.

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

Defendants.

Case No. 8:24-cv-01080-WFJ-TGW

**STATUS REPORT**

In September, this Court granted in part Defendants' motion to stay proceedings pending final resolution of their appeal of this Court's preliminary injunction, ECF No. 47. ECF No. 50. Opening briefs in that and in related appeals are due as follows:

- *State of Tennessee v. Becerra*, No. 24-60462 (5th Cir.): November 21, 2024
- *State of Texas v. Becerra*, No. 24-40568 (5th Cir.): November 27, 2024
- *State of Florida v. HHS*, No. 24-12826 (11th Cir.): January 2, 2025

The Fifth Circuit has not decided the appeal of the Final Judgment in *Neese v. Becerra*, No. 2:21-cv-00163-Z (N.D. Tex. Nov. 22, 2022), No. 23-10078 (5th Cir.), which precludes HHS from enforcing Section 1557 (including the Rule) against CMA members and Florida DDCs to prohibit discrimination on account of gender identity.

The stay of district court proceedings in this case should remain in effect. Circumstances have not changed such that the reasons for imposing the stay, ECF No. 47, no longer exist. See *Whitman-Walker Clinic, Inc. v. HHS*, Civ. A. No. 20-1630, 2021 WL 4033072, at \*4 (D.D.C. Sept. 3, 2021). The Eleventh Circuit's ruling on Defendants' appeal of the preliminary injunction will have a "substantial" if not a "controlling effect" on Plaintiffs' claims, irrespective of any district court proceedings that take place in the interim. See *Miccosukee Tribe of Indians of Fla. v. S. Fla. Water Mgmt. Dist.*, 559 F.3d 1191, 1198 (11th Cir. 2009). Pressing on with such proceedings would therefore be an inefficient, if not wholly wasteful, use of the parties' and the Court's time and resources. *Id.*

At this time, Defendants cannot speculate about possible future actions by policymakers after the upcoming change in Presidential administration.

Dated: November 15, 2024

Respectfully submitted,

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