

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

McComb Children’s Clinic, LTD.,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 5:24-cv-00048-LG-ASH
)	
Dorothy Fink, et al.,)	
)	
<i>Defendants.</i>)	

PLAINTIFF MCCOMB CHILDREN’S CLINIC’S MOTION TO LIFT STAY

Plaintiff McComb Children’s Clinic, LTD., (“MCC”) respectfully requests that the Court lift the stay in this case, and in support states as follows:

1. On February 19, 2025, this Court issued an order staying this case and cancelling the status conference set for March 14, 2025, [54], “pending the resolution of or additional guidance from the appeal of the [30] Preliminary Injunction and related [29] Memorandum Opinion and Order entered by this Court in *State of Tennessee v. Kennedy*, Cause No. 1:24cv161-LG-BWR, or upon further order of the Court.”

2. On March 13, 2025, the Fifth Circuit dismissed the appeal in *Tennessee v. Kennedy* based on a joint stipulation to dismiss filed by the parties, and on March 17 the Fifth Circuit similarly dismissed the related appeal from the Eastern District of Texas. *State of Tennessee v. Kennedy*, No. 24-60462, ECF No. 127 (5th Cir. Mar. 13, 2025); *State of Texas v. Kennedy*, No. 24-40568, ECF No. 94 (5th Cir. Mar. 17, 2025). Those appeals are now fully resolved, and no additional guidance from the appeals court is forthcoming on issues raised in this case. Thus, MCC’s pending motion for summary judgment, which is fully briefed, should move forward.

3. Counsel for MCC has conferred with Defendants' counsel regarding this Motion and the relief sought herein, and Defendants oppose the Motion and relief requested.

4. The parties agree that replies and rebuttals to the Motion will be submitted in accordance with the time limitations set forth in L.U. Civ. R. 7(b)(4).

5. MCC's Motion is further based on its supporting Memorandum.

Relief Requested

For these reasons, MCC requests that the Court lift the stay. MCC also asks that the Court reset oral argument on MCC's motion for summary judgment [27] or, in the alternative, set a status conference.

Respectfully submitted this 17th day of March, 2025.

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