

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

STATE OF TEXAS,

Plaintiff,

v.

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

Defendants.

No. 5:24-cv-204-H

DEFENDANTS' CONSENT MOTION TO HOLD ALL DEADLINES IN ABEYANCE

In light of the recent change in administration, defendants respectfully request that the Court hold all current deadlines in abeyance to allow incoming leadership personnel at the Department of Health and Human Services additional time to evaluate their position in this case and determine how best to proceed. The parties have conferred, and the State of Texas consents to this request.

Several deadlines are forthcoming in this matter, including:

- The parties' respective responses to the proposed intervenors' motion to intervene, due February 7, 2025;
- The State of Texas's motion for summary judgment, due February 7, 2025;
- The parties' respective briefs in opposition to the other side's dispositive motion, due March 7, 2025;
- The parties' respective reply briefs in support of their own dispositive motion, due April 4, 2025.

In the interest of conserving judicial and party resources, defendants respectfully request expedited resolution of this motion in advance of the upcoming deadlines on February 7. In the event the Court grants this motion, defendants propose that the parties meet and confer and file a joint status report within 90 days of the Court's order, addressing whether the Court should continue to hold all deadlines

in abeyance and, if necessary, proposing appropriate next steps. A proposed order is attached.

Dated: January 30, 2025

Respectfully submitted,

BRETT A. SHUMATE
Acting Assistant Attorney General
Civil Division

ERIC B. BECKENHAUER
Assistant Branch Director

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Mont. Bar No. 55816869
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Phone: (202) 598-9280
Email: jody.d.lowenstein@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF CONFERENCE

The parties conferred, and the State of Texas consents to the relief requested herein.

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
U.S. Department of Justice

CERTIFICATE OF SERVICE

On January 30, 2025, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jody D. Lowenstein
JODY D. LOWENSTEIN
Trial Attorney
U.S. Department of Justice