

**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

JOINT MOTION TO STAY PROCEEDINGS

On June 18, 2025, Judge Kacsmaryk issued an order and judgment in *Purl v. HHS*, No. 2:24-cv-228 (N.D. Tex.), universally vacating all but a few provisions of the *HIPAA Privacy Rule to Support Reproductive Health Care Privacy*, 89 Fed. Reg. 32976 (Apr. 26, 2024)—the same rule that the State of Texas challenges in this case. *See Purl v. HHS*, 2025 WL 1708137, at *28 (N.D. Tex. June 18, 2025).¹ The government is currently evaluating whether to appeal from that order, *see* 28 C.F.R. § 0.20(b) (requiring that the Solicitor General authorize any appeal taken by the government), and the deadline to file a notice of appeal is August 18, 2025, *see* Fed. R. App. P. 4(a)(1)(B).

In light of this development, the parties respectfully request that this Court stay further proceedings in this matter while the government determines whether to appeal in *Purl*. The parties submit that the proposed stay will both promote judicial economy and preserve their resources, *see Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”), and, depending on the course of events

¹ The court in *Purl* severed unchallenged provisions of the Rule that pertain to substance use disorder records. *See* 2025 WL 1708137, at *30–31.

in *Purl*, further proceedings in this Court may be unnecessary, *see Spell v. Edwards*, 962 F.3d 175,179 (5th Cir. 2020) (“Once the law is off the books, there is nothing injuring the plaintiff and, consequently, nothing for the court to do.”).

In the event the Court grants this motion, the parties have agreed to meet and confer and file a joint status report no later than August 25, 2025, addressing whether the Court should continue to stay proceedings and proposing any appropriate next steps. A proposed order is attached.

Dated: June 27, 2025

Respectfully submitted,

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