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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI‘I**

HEIDI PURCELL, M.D., *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., *et al.*,  
Defendants.

CIVIL ACTION

Case No. 1:17-cv-00493-  
JAO-RT

**JOINT STATUS  
REPORT**

On October 30, 2025, this Court granted summary judgment to Plaintiffs on their claim that FDA’s most recent decision to maintain the Mifepristone Risk Evaluation and Mitigation Strategy was arbitrary and capricious in violation of the Administrative Procedure Act (“APA”) and denied Defendants’ cross-motion for summary judgment as to Plaintiffs’ Equal Protection Claim. Order Granting Pls.’ Mot. for Summ. J and Denying Defs.’ Cross Motion for Summ. J., at 4, 77-78 (Oct. 30, 2025), ECF No. 253. The Court remanded the matter to the U.S. Food and Drug Administration “to reconsider the mifepristone REMS in accordance with this order and the law.” *Id.* at 78; *accord id.* at 4. Because Plaintiffs have already obtained their requested relief under the APA, the Court “question[ed] what becomes of the constitutional claims now,” which technically remain pending. *Id.* at 78. The Parties submit this Joint Status Report to set forth their positions on how the case should proceed.

*First*, Plaintiffs request that the Court dismiss without prejudice, under Federal Rule of Civil Procedure 41(a)(2), their equal protection claims (Counts One and Two of the Corrected Second Amended and Supplemental Complaint, ECF No. 212). Defendants do not oppose this request.

*Second*, Plaintiffs request that the Court retain jurisdiction over this matter during the agency remand. Defendants oppose this request. The Parties therefore request the opportunity to submit short briefs (no more than 5 pages) on this matter,

with Defendants' brief submitted at least one week after Plaintiffs' brief and an opportunity for Plaintiffs to submit a very short reply (no more than 2 pages).

Respectfully submitted,

/s/ Emily Hills

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