

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CARMEN PURL, *et al.*,

Plaintiffs,

v.

2:24-CV-228-Z

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

Defendants.

ORDER

The State of Texas challenged the 2024 Rule at issue in this case in a separate proceeding. *See State of Texas v. U.S. Dep't of Health & Hum. Servs.*, No. 5:24-cv-204 (N.D. Tex.); *see also Tennessee v. U.S. Dep't of Health & Hum. Servs.*, No. 3:25-cv-025 (E.D. Tenn.); *Missouri v. U.S. Dep't of Health & Hum. Servs.*, No. 4:25-cv-077 (E.D. Mo.). In that case, Defendants moved for an abeyance of deadlines “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.” *State of Texas*, No. 5:24-cv-204, at ECF No. 39, p. 1. The court granted the motion and ordered the parties to meet to discuss “how best to proceed in this case and to file a joint status report.” *Id.* at ECF No. 42.

The same circumstances exist in this case. Here, Defendants state that “HHS’s new leadership is currently reviewing the Rule, so Defendants do not further address the merits” of Plaintiffs’ summary judgment motion. ECF No. 70 at 6. Defendants have not offered any update to the Court concerning HHS’s review of the 2024 Rule. And they have not defended against Plaintiffs’ summary judgment motion on the merits.

Considering Defendants’ representations in the *State of Texas* case and here, the Court **ORDERS** Defendants to brief the Court on (1) the status of HHS’s 2024 Rule review,

(2) whether a stay of the case is appropriate for additional review, and (3) any other relevant information concerning the disposition of this case and the pending motions. Defendants' brief shall be filed **on or before May 12, 2025**. It shall not exceed five pages and shall otherwise comply with Local Rule 7.2.

SO ORDERED.

May 5, 2025

A handwritten signature in blue ink, appearing to read "Matthew J. Kacsmarik", is written over a horizontal line.

MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE