

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

CARMEN PURL, M.D., *et al.*,

Plaintiffs,

v.

No. 2:24-cv-228-Z

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

Defendants.

DEFENDANTS' RESPONSE TO THE COURT'S MAY 5, 2025 ORDER

On May 5, 2025, the Court instructed defendants to brief it by May 12, 2025, on (i) the status of the Department of Health and Human Service's ("HHS") review of the rule that plaintiffs challenge in this case, *HIPAA Privacy Rule to Support Reproductive Health Care Privacy*, 89 Fed. Reg. 32976 (Apr. 26, 2024) ("Rule"); (ii) whether a stay of the case is appropriate for additional review; and (iii) any other relevant information concerning the disposition of this case and the parties' dispositive motions. *See* Order, ECF No. 106.

Pursuant to that order, defendants respectfully inform the Court that the Rule remains among a number of agency actions from the prior administration that are under consideration at HHS, but given other agency priorities, no imminent action on the Rule is expected. Defendants do not request a stay of proceedings and have no other information relevant to the parties' dispositive motions to provide at this time.¹

Dated: May 12, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

¹ Earlier today, the parties in *Texas v. HHS*, No. 5:24-cv-204 (N.D. Tex.), filed a joint status report proposing that briefing in that case resume. *See id.*, ECF No. 46.

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 SERVICE

On May 12, 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