

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

THE STATE OF TENNESSEE, et al.,

Plaintiffs,

v.

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

Defendants.

Case No. 3:25-cv-00025
Judge Katherine A. Crytzer
Magistrate Judge Jill E. McCook

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs and Defendants, by and through their undersigned counsel, hereby stipulate and agree as follows:

1. On April 26, 2024, the U.S. Department of Health and Human Services (HHS) promulgated the *HIPAA Privacy Rule to Support Reproductive Health Care Privacy*, 89 Fed. Reg. 32976 (Apr. 26, 2024) (“Final Rule”). The Final Rule imposed new restrictions under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) around certain uses and disclosures of protected health information related to “reproductive health care.” *See id.* at 32978.

2. On January 17, 2025, the State of Tennessee, joined by fourteen other States, filed a Complaint for Declaratory and Injunctive Relief. ECF No. 1. The Plaintiff States alleged that HIPAA does not authorize the Final Rule’s new “reproductive health care” restrictions and that those restrictions are arbitrary and capricious, in any event. *Id.* at 27-32. For example, the Plaintiff States alleged that the Final Rule hampers public health investigations unconnected to the abortion-related concerns that animated the rule’s promulgation. *See id.* at 21-27.

3. Soon after, the Plaintiff States filed a Motion for Summary Judgment and Preliminary Relief. *See* ECF Nos. 25, 26.

4. While the Plaintiff States' motion remained pending, the U.S. District Court for the Northern District of Texas ruled in a parallel challenge that the Final Rule unlawfully "impedes, restrains, or curtails potential child abuse reporting." *Purl v. HHS*, No. 2:24-cv-00228, 2025 WL 1708137, at *10 (N.D. Tex. June 18, 2025). The court further held that the Final Rule unlawfully redefines statutory terms, *id.* at *18-22, and exceeds HHS's authority by creating special protections for certain categories of data without statutory permission, *id.* at *22-27.

5. The court accordingly vacated nearly the entire Final Rule, severing unchallenged provisions.

6. Though HHS did not appeal that decision, a group of proposed intervenors that had appealed the denial of their intervention filed a protective notice of appeal. *See* ECF No. 110. But the proposed intervenors recently moved to dismiss their appeal to "best conserve[]" the "resources of the parties and the courts." Mot. to Dismiss, ECF No. 49 at 3, *Purl v. HHS*, No. 25-10743 (5th Cir. Sept. 4, 2025). The Fifth Circuit dismissed the appeal on September 10, 2025.

7. With the challenged portions of the Final Rule vacated, this matter is now moot.

8. In light of the foregoing, the above-captioned action is dismissed *without prejudice*.

9. No costs, disbursements, or attorneys' fees shall be paid to any party.

10. This dismissal does not preclude the Plaintiff States from seeking declaratory relief in future challenges to HHS actions adopting interpretations of HIPAA as requiring specific restrictions around the use and disclosure of "reproductive health care" data like those set forth in the Final Rule.

Dated: September 30, 2025

/s/ Harrison Gray Kilgore
HARRISON GRAY KILGORE
Senior Assistant Attorney General
for Strategic Litigation

Office of the Tennessee Attorney General
P.O. Box 20207
Nashville, Tennessee 37202
(615) 360-0351
Harrison.Kilgore@ag.tn.gov

Counsel for Plaintiff the State of Tennessee

Respectfully Submitted,

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

/s/ Eric Beckenhauer
ERIC B. BECKENHAUER
Assistant Branch Director

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

Counsel for Defendants

STEVE MARSHALL

Attorney General of Alabama

/s/ Dylan Mauldin

DYLAN MAULDIN*

Assistant Solicitor General

OFFICE OF THE ALABAMA ATTORNEY GENERAL

501 Washington Avenue

Montgomery, AL 36130

334.353.0068

334.353.8400 (fax)

Dylan.Mauldin@alabamaag.gov

Counsel for Plaintiff State of Alabama

CHRISTOPHER CARR

Attorney General of Georgia

/s/ Elijah O'Kelley

ELIJAH O'KELLEY*

Assistant Solicitor General

OFFICE OF THE ATTORNEY GENERAL OF GEORGIA

40 Capitol Square SW

Atlanta, Georgia 30334

(470) 816-1342

Eokelley@law.ga.gov

Counsel for Plaintiff State of Georgia

THEODORE E. ROKITA

Attorney General of Indiana

/s/ James A. Barta

JAMES A. BARTA*

Solicitor General

INDIANA ATTORNEY GENERAL'S OFFICE

IGC South, Fifth Floor

302 W. Washington St.

Indianapolis, Indiana 46204

(317) 232-0709

James.Barta@atg.in.gov

Counsel for Plaintiff State of Indiana

TIM GRIFFIN

Arkansas Attorney General

/s/ Autumn Hamit Patterson

AUTUMN HAMIT PATTERSON*

Solicitor General

OFFICE OF THE ARKANSAS

ATTORNEY GENERAL

323 Center Street, Suite 200

Little Rock, Arkansas 72201

(501) 682-2007

Autumn.Patterson@arkansasag.gov

Counsel for Plaintiff State of Arkansas

RAÚL R. LABRADOR

Idaho Attorney General

/s/ Sean M. Corkery

SEAN M. CORKERY*

Assistant Solicitor General

OFFICE OF THE IDAHO ATTORNEY GENERAL

P.O. Box 83720

Boise, ID 83720

(208) 334-2400

Jack.Corkery@ag.idaho.gov

Counsel for Plaintiff State of Idaho

BRENNA BIRD

Iowa Attorney General

/s/ Eric H. Wessan

ERIC H. WESSAN*

Solicitor General

OFFICE OF THE IOWA ATTORNEY GENERAL

1305 E. Walnut Street

Des Moines, Iowa 50319

(515) 823-9117

(515) 281-4209 (fax)

Eric.Wessan@ag.iowa.gov

Counsel for Plaintiff State of Iowa

LIZ MURRILL

Louisiana Attorney General

/s/ J. Benjamin Aguiñaga

J. BENJAMIN AGUIÑAGA*

Solicitor General

LOUISIANA DEPARTMENT OF JUSTICE

1885 N. Third Street

Baton Rouge, LA 70804

(225) 326-6766

AguinagaB@ag.louisiana.gov

Counsel for Plaintiff State of Louisiana

AUSTIN KNUDSEN

Attorney General of Montana

/s/ Peter M. Torstensen, Jr.

PETER M. TORSTENSEN, JR.*

Deputy Solicitor General

MONTANA DEPARTMENT OF JUSTICE

215 N. Sanders Street

Helena, Montana 59601

(406) 444-2026

Peter.Torstensen@mt.gov

Counsel for Plaintiff State of Montana

MICHEAL T. HILGERS

Nebraska Attorney General

/s/ Lincoln J. Korell

LINCOLN J. KORELL*

Assistant Solicitor General

OFFICE OF THE NEBRASKA ATTORNEY

GENERAL

2115 State Capitol

Lincoln, NE 68509

(402) 471-2682

Lincoln.Korell@nebraska.gov

Counsel for Plaintiff State of Nebraska

DREW H. WRIGLEY

Attorney General of North Dakota

/s/ Philip Axt

PHILIP AXT*

Solicitor General

OFFICE OF THE ATTORNEY GENERAL

600 E. Boulevard Ave., Dept. 125

Bismarck, ND 58505

(701) 328-2210

Pjxt@nd.gov

Counsel for Plaintiff State of North Dakota

DAVE YOST

Ohio Attorney General

/s/ Mathura J. Sridharan

MATHURA J. SRIDHARAN *

Solicitor General

OFFICE OF THE OHIO ATTORNEY GENERAL

30 East Broad Street, 17th Floor

Columbus, Ohio 43215

(614) 466-8980

Mathura.Sridharan@ohioago.gov

Counsel for Plaintiff State of Ohio

ALAN WILSON

South Carolina Attorney General

/s/ James E. Smith, Jr.

JAMES E. SMITH, JR. *

Assistant Deputy Solicitor General

OFFICE OF THE ATTORNEY GENERAL

OF SOUTH CAROLINA

1000 Assembly Street

Columbia, SC 29201

(803) 734-3677

Esmith@scag.gov

Counsel for Plaintiff State of South Carolina

MARTY J. JACKLEY

Attorney General of South Dakota

/s/ Jonathan Van Patten

JONATHAN VAN PATTEN*

Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL

STATE OF SOUTH DAKOTA

1302 E. Hwy. 14, Suite #1

Pierre, SD 57501

(605) 773-3215

Jonathan.VanPatten@state.sd.us

Counsel for Plaintiff State of South Dakota

JOHN B. McCUSKEY

West Virginia Attorney General

/s/ Michael R. Williams

MICHAEL R. WILLIAMS*

Solicitor General

OFFICE OF THE WEST VIRGINIA ATTORNEY

GENERAL

State Capitol Complex

Building 1, Room E-26

Charleston, WV 25305

(304) 558-2021

Michael.R.Williams@wvago.gov

Counsel for Plaintiff State of West Virginia

* Admitted Pro Hac Vice

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's electronic filing system on this 30th day of September, 2025 to all counsel of record.

/s/ Harrison Gray Kilgore

HARRISON GRAY KILGORE

Office of the Tennessee Attorney General

P.O. Box 20207

Nashville, Tennessee 37202

Harrison.Kilgore@ag.tn.gov

Counsel for Plaintiff the State of Tennessee