

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STATE OF MISSOURI,

Plaintiff,

v.

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

Defendants.

Case No. 4:25-cv-77-JAR

NOTICE

Out of an abundance of caution, defendants respectfully submit this notice to clarify for the Court their understanding of the current briefing schedule for the proposed intervenors' motion for leave to intervene, ECF No. 5. That motion was sent via email to defendants' counsel on February 20, 2025, accompanied with a request that defendants' counsel consent to service via email. *See* Fed. R. Civ. P. 5(b)(1), (b)(2)(E) (providing that a paper may be served by any "electronic means" that the recipient party's attorney "consented to in writing"). The following day, undersigned counsel consented to email service of the motion. Accordingly, defendants understand their response to the proposed intervenors' motion for leave to intervene to be due March 6, 2025, *see* Local Rule 4.01(B) (providing that a party must file any opposition to a motion within 14 days "after service of the motion"), and have confirmed that the proposed intervenors share that understanding.

Dated: February 24, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

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 February 24, 2025, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Eastern District of Missouri, 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