

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

STATE OF TENNESSEE, STATE OF ALA- )  
 BAMA, STATE OF ARKANSAS, STATE OF )  
 GEORGIA, STATE OF IDAHO, STATE OF )  
 INDIANA, STATE OF IOWA, STATE OF )  
 LOUISIANA, STATE OF MONTANA, )  
 STATE OF NEBRASKA, STATE OF )  
 NORTH DAKOTA, STATE OF OHIO, )  
 STATE OF SOUTH CAROLINA, STATE OF )  
 SOUTH DAKOTA, STATE OF WEST VIR- )  
 GINIA, )

*Plaintiffs,*

v.

U.S. DEPARTMENT OF HEALTH AND )  
 HUMAN SERVICES; ROBERT F. KEN- )  
 NEDY, JR., in his official capacity as Secretary )  
 of the U.S. Department of Health and Human )  
 Services; and U.S. DEPARTMENT OF )  
 HEALTH AND HUMAN SERVICES OF- )  
 FICE OF CIVIL RIGHTS, )

*Defendants.*

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

**CONSENT MOTION FOR BRIEFING SCHEDULE**

Plaintiff States respectfully request that the Court enter the briefing schedule proposed below. Counsel for Plaintiff States has conferred with counsel for Defendants and Proposed Intervenor-Defendants, and both parties consent to the proposed briefing schedule. In support of their motion, Plaintiff States state the following:

1. Plaintiff States filed their complaint challenging the U.S. Department of Health and Human Services' *HIPAA Privacy Rule to Support Reproductive Health Care Privacy*, 89 Fed. Reg. 32,976 (April 26, 2024) ("Final Rule"), on January 17, 2025. Dkt. #1.

2. On February 7, 2025, Plaintiff States filed a combined motion for summary judgment and preliminary relief accompanied by a memorandum in support. Dkt. #25; Dkt. #26.

3. Proposed Intervenor-Defendants moved to intervene to defend the Final Rule on February 10, 2025. Dkt. #31; Dkt. #32. Defendants “indicated that they oppose[d]” Proposed Intervenor-Defendant’s intervention, and Plaintiff States took “no position” on the motion to intervene but “reserve[d] the right to object at a later time based on developments in [the] case.” Dkt. #31 at 1.

4. On March 6, 2025, this Court granted Defendants’ consent motion for extension of time to respond to Proposed Intervenor-Defendants’ motion to intervene, ordering that Defendants’ response be filed on or before April 14, 2025. Dkt. #60.

5. On March 13, 2025, Defendants filed a cross motion to dismiss Plaintiff States’ complaint for lack of jurisdiction combined with their opposition to Plaintiff States’ motion for summary judgment and preliminary relief. Dkt. #65. That same day, Proposed Intervenor-Defendants filed their proposed opposition to Plaintiff States’ motion for summary judgment and preliminary relief. Dkt. #64.

6. Local Rule 7.1(a) provides Plaintiff States “21 days in which to respond to dispositive motions.”

7. To provide clarity and ensure orderly resolution of the pending motions, Plaintiff States propose the following briefing schedule with the consent of Defendants and Proposed Intervenor-Defendants:

<b>FILING</b>	<b>DEADLINE</b>	<b>PAGE LIMIT</b>
Plaintiff States' Combined Opposition to Defendants' Motion to Dismiss and Reply in Support of their Motion for Summary Judgment and Preliminary Relief	<b>April 3, 2025</b>	<b>25</b>
Defendants' Response to Proposed Intervenor-Defendants' Motion to Intervene	<b>April 14, 2025</b>	<b>25</b>
Defendants' Reply in Support of their Motion to Dismiss for Lack of Jurisdiction <sup>1</sup>	<b>April 21, 2025</b>	<b>10</b>
Proposed Intervenor-Defendants' Reply in Support of their Motion to Intervene <sup>2</sup>	<b>April 21, 2025</b>	<b>10</b>
Plaintiff States' Supplemental Reply to Proposed Intervenor-Defendants' Opposition to Motion for Summary Judgment and Preliminary Relief <sup>3</sup>	<b>No later than 14 days after an order of this Court granting intervention</b>	<b>10</b>

8. For the convenience of the Court, a proposed order accompanies this motion.

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<sup>1</sup> Because "reply briefs are not necessary and are not required" under Local Rule 7.1(c), Defendants may forgo this filing.

<sup>2</sup> Because "reply briefs are not necessary and are not required" under Local Rule 7.1(c), Proposed Intervenor-Defendants may forgo this filing.

<sup>3</sup> Because "reply briefs are not necessary and are not required" under Local Rule 7.1(c), Plaintiff States may forgo this filing.

Date: March 18, 2025

Respectfully submitted,

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\*\* Application for Pro Hac Vice forthcoming

## 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 18th day of March, 2025 to all counsel of record.

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