

MINUTE ORDER (paperless), upon consideration of defendants' 19 Motion to Transfer Case and plaintiffs' 21 Opposition, DENYING defendants' 19 Motion to Transfer. Defendants move to transfer this case to Judge Kelly under D.D.C. Local Rule 40.5(c)(2), which allows for transferring of "related cases" to the judge "having the earlier case." See 19 Defs.' Mot. at 1, 4. Judge Kelly presided over a case involving the plaintiffs here as well as other Planned Parenthood entities challenging guidance issued by HHS in March 2025 regarding plaintiffs' applications for annual continuation funding for their Teen Pregnancy Prevention Program grants. See *Planned Parenthood of Greater N.Y. v. HHS*, No. 25-cv-1334 (TJK), Complaint, ECF No. 1 (May 1, 2025). The plaintiffs in the prior case filed a motion for a preliminary injunction, which was denied in late June due to a lack of irreparable harm, see *id.*, 2025 WL 1768100 (D.D.C. June 26, 2025), and Judge Kelly then set an expedited summary judgment briefing schedule with briefs set to be ripe August 21, 2025, see *id.*, Min. Order (July 8, 2025). After plaintiffs' grants were approved on July 2, 2025, plaintiffs dismissed that case, despite a Program Policy Notice being issued the same day articulating similar substantive requirements to those in the challenged application guidance. See *id.*, Notice of Voluntary Dismissal, ECF No. 34 (July 11, 2025). The case before Judge Kelly was closed on July 14, 2025. A subset of those plaintiffs later challenged that Program Policy Notice issued on July 2, 2025, in the instant case, which upon filing on July 29, 2025, was randomly assigned to this Court. See 1 Complaint. Similar subject matters and similar parties, as present here, do not make the cases "related" under the Local Rules and thus do not warrant transfer. Under Local Rule 40.5(a)(4), where a case is dismissed "and a second case is filed involving the same parties and relating to the same subject matter," the second case shall be deemed related to the dismissed case. That rule has been strictly interpreted such that "'the same parties' means 'identical parties,'" not parties in interest and not overlapping parties. *Wilderness Soc'y v. Bernhardt*, No. 20-cv-1176 (BAH), 2021 WL 2849635, at *2 (D.D.C. June 2, 2020) (emphasis added) (quoting *Jud. Watch, Inc. v. Rossotti*, No. 2-cv-928

(RCL), 2002 WL 31100839, at *1 (D.D.C. Aug. 2, 2002)); Klayman v. Porter, No. 20-cv-3109 (RDM), 2021 WL 1668067, at *1-2 (D.D.C. Apr. 28, 2021); see also Dale v. Exec. Off. of the President, 121 F. Supp. 2d 35, 37 (D.D.C. 2000). Plaintiffs here are Planned Parenthood of Greater New York; Planned Parenthood California Central Coast; and Planned Parenthood of the Heartland, Inc. Plaintiffs in the other case, 25-cv-1334, are those three parties plus two additional Planned Parenthood entities: Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, and Kentucky; and Planned Parenthood Mar Monte. These two additional parties make the parties to the two cases not identical, but merely overlapping, and therefore the cases are technically not related under Local Rule 40.5(a)(4). Transfer based on the related case rule is therefore not appropriate here. Signed by Judge Beryl A. Howell on August 13, 2025. (lcbah4) (Entered: 08/13/2025)