

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

STATE OF TEXAS,
STATE OF ALASKA,
STATE OF ALABAMA,
STATE OF ARKANSAS,
STATE OF FLORIDA,
STATE OF GEORGIA,
STATE OF INDIANA,
STATE OF IOWA,
STATE OF KANSAS,
STATE OF LOUISIANA,
STATE OF MISSOURI,
STATE OF MONTANA,
STATE OF NEBRASKA,
STATE OF SOUTH CAROLINA,
STATE OF SOUTH DAKOTA,
STATE OF UTAH, and
STATE OF WEST VIRGINIA,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official Capacity
as Secretary of Health and Human Services,
UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES,

Defendants.

CASE NO. 5:24-cv-00225-C

JOINT STATUS REPORT

The Plaintiff States of Texas, Alaska, Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, South Carolina, South Dakota, Utah, and West Virginia (Plaintiffs) and Defendants Robert F. Kennedy, in his official capacity as Secretary of Health and Human Services, and the United States Department of Health and Human Services (Defendants) (together, the Parties), submit the following Joint Status Report in connection to the Court's Order, ECF No. 70. The Parties advise the Court as follows:

Defendants continue to evaluate their position in light of the President's recent Executive Order, which provides that agencies shall not "promote or otherwise inculcate gender ideology." *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, White House (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>. And Defendants plan to release additional details regarding rulemaking plans related to Section 504 in the near future.

Accordingly, the Parties ask that the Court not disturb the current stay of briefing deadlines. No Party would be prejudiced by the continuation of the stay and it would preserve the resources of the Parties and the Court. Additionally, the federal appropriations act that allocated funding to the Department of Justice has lapsed, and, absent a new appropriation, counsel for Defendants are slated to be furloughed. While on furlough, Department of Justice attorneys are prohibited from working except in limited, exigent circumstances. *See* 31 U.S.C. § 1342. Extending the current stay will avoid prejudicing Defendants due to the unavailability of their counsel. The Parties propose to file a Joint Status Report with the Court no later than January 9, 2026.

Dated: October 27, 2025.

BRETT A. SHUMATE
ACTING ASSISTANT ATTORNEY GENERAL

MICHAEL BENNETT
Assistant Branch Director

/s/ Jason K. Altabet

JASON K. ALTABET
Trial Attorney
(Md. Bar No. 2211280012)
U.S. Department of Justice
Civil Division,
Federal Programs Branch
1100 L Street NW
Washington, D.C. 20005
Tel: (202) 305-0727
Fax: (202) 616-8460
E-mail: jason.k.altabet2@usdoj.gov
COUNSEL FOR DEFENDANTS

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

RYAN D. WALTERS
Deputy Attorney General for Legal Strategy

RYAN G. KERCHER
Chief, Special Litigation Division

ZACHARY L. RHINES
Special Counsel
Special Litigation Division
Texas State Bar No. 24116957
zachary.rhines@oag.texas.gov

/s/ Kyle S. Tebo

KYLE S. TEBO
Special Counsel
Legal Strategy Division
Texas State Bar No. 24137691
kyle.tebo@oag.texas.gov

OFFICE OF THE ATTORNEY GENERAL OF
TEXAS

P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Telephone: (512) 463-2100
Facsimile: (512) 457-4410

COUNSEL FOR STATE OF TEXAS

STEPHEN J. COX
Attorney General of Alaska

/s/ Laura O. Russell

LAURA O. RUSSELL*

Alaska Bar No. 1311106

Assistant Attorney General
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5100
laura.russell@alaska.gov

COUNSEL FOR ALASKA

**Pro Hac Vice*

STEVE MARSHALL
Attorney General of Alabama

/s/ Edmund G. LaCour Jr.

EDMUND G. LACOUR JR.

Solicitor General
Office of the Attorney General of Alabama
501 Washington Avenue
Montgomery, Alabama 36130
Telephone: (334) 242-7300
edmund.lacour@alabamaag.gov

COUNSEL FOR ALABAMA

TIM GRIFFIN
Attorney General of Arkansas

/s/ Autumn Hamit Patterson

AUTUMN HAMIT PATTERSON

Assistant Attorney General
101 West Capitol Avenue
Little Rock, Arkansas 72201
autumn.patterson@arkansasag.gov

COUNSEL FOR ARKANSAS

JAMES UTHMEIER
Attorney General of Florida

s/ Christine Kimberly Pratt

CHRISTINE KIMBERLY PRATT

Office of the Florida Attorney General
400 S. Monroe Street
Tallahassee, Florida 32399
(352) 359-6689
christine.pratt@myfloridalegal.com

COUNSEL FOR FLORIDA

CHRISTOPHER M. CARR
Attorney General of Georgia

/s/ Stephen J. Petrany

STEPHEN J. PETRANY*

Solicitor General
Office of the Attorney General
40 Capitol Square, SW
Atlanta, Georgia 30334
(404) 458-3408
spetrany@law.ga.gov

COUNSEL FOR GEORGIA

**Pro Hac Vice*

THEODORE E. ROKITA
Attorney General of Indiana

/s/ James A. Barta

JAMES A. BARTA*

Solicitor General
Indiana Attorney General's Office
IGCS – 5th Floor
302 W. Washington St.
Indianapolis, Indiana 46204
(317) 232-0709
james.barta@atg.in.gov

COUNSEL FOR INDIANA

**Pro Hac Vice*

BRENNA BIRD
Attorney General of Iowa

/s/ Eric H. Wessan

ERIC H. WESSAN
Solicitor General
1305 E. Walnut Street
Des Moines, Iowa 50319
(515) 823-9117
(515) 281-4209 (fax)
eric.wessan@ag.iowa.gov

COUNSEL FOR IOWA

KRIS KOBACH
Attorney General of Kansas

/s/ James Rodriguez

JAMES RODRIGUEZ
120 SW 10th Ave
Topeka, Kansas 66612-1597
Telephone: (785) 260-3960
jay.rodriguez@ag.ks.gov

COUNSEL FOR KANSAS

ELIZABETH B. MURRILL
Attorney General of Louisiana

s/ J. Benjamin Aguiñaga

J. BENJAMIN AGUIÑAGA*
Solicitor General
Office of the Attorney General
1885 N. 3rd St.
Baton Rouge, Louisiana 70802
Telephone: (225) 506-3746
aguinagab@ag.louisiana.gov

COUNSEL FOR LOUISIANA

**Pro Hac Vice*

CATHERINE L. HANAWAY
Attorney General of Missouri

/s/ Louis Joseph Capozzi, III

LOUIS JOSEPH CAPOZZI, III
Office of the Missouri Attorney General
207 W. High Street
Jefferson City, Missouri 65101
Louis.capozzi@ago.mo.gov

COUNSEL FOR MISSOURI

AUSTIN KNUDSEN
Attorney General of Montana

/s/ Christian B. Corrigan

CHRISTIAN B. CORRIGAN
Solicitor General
PETER M. TORSTENSEN, JR.*
Deputy Solicitor General
Montana Department of Justice
215 N. Sanders Street
Helena, Montana 59601
Telephone: (406) 444-2026
christian.corrigan@mt.gov
peter.torstensen@mt.gov

COUNSEL FOR MONTANA

**Pro Hac Vice*

MICHAEL T. HILGERS
Attorney General of Nebraska

/s/ Cody S. Barnett

CODY S. BARNETT*
Solicitor General
1445 K Street, Room 2115
Lincoln, Nebraska 68508
Telephone: (402) 471-2683
cody.barnett@nebraska.gov

COUNSEL FOR NEBRASKA

**Admission Pending*

ALAN WILSON
Attorney General of South Carolina

/s/ J. Emory Smith, Jr.

JAMES EMORY SMITH, JR.*
Deputy Solicitor General
Office of the Attorney General
PO Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3642
Facsimile: (803) 734-3677
esmith@scag.gov

COUNSEL FOR SOUTH CAROLINA
**Pro Hac Vice*

MARTY JACKLEY
Attorney General of South Dakota

/s/ Grant Michael Flynn

GRANT MICHAEL FLYNN*
Assistant Attorney General
Office of the Attorney General South Dakota
1302 S.D Highway 1889, Suite #1
Pierre, South Dakota 57501
Telephone: (605) 773-3215
grant.flynn@state.sd.us

COUNSEL FOR SOUTH DAKOTA
**Pro Hac Vice*

DEREK BROWN
Attorney General of Utah

/s/ Stanford Purser

STANFORD PURSER*
Office of the Utah Attorney General
PO Box 140858
Salt Lake City, Utah 84114-2320
(385)382-4334
spurser@agutah.gov

COUNSEL FOR UTAH

JOHN B. MCCUSKEY
Attorney General of West Virginia

/s/ Michael R. Williams

MICHAEL R. WILLIAMS*
State Capitol Complex, Bldg. 1, Rm E-26
1900 Kanawha Blvd. E
Charleston, West Virginia 25305
Telephone: (681)-313-4511
Facsimile: (304) 558-0140
michael.r.williams@wvago.gov

COUNSEL FOR WEST VIRGINIA
**Pro Hac Vice*

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on October 27, 2025 and that all counsel of record were served by CM/ECF.

/s/ Kyle S. Tebo

KYLE S. TEBO