

**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/>.

Recently Defendants issued a Notice of Proposed Rulemaking that would modify the challenged Rule to clarify that "gender dysphoria not resulting from physical impairment" does not constitute a disability under the Rehabilitation Act of 1973. *See Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance* (Dec. 19, 2025), 90 Fed. Reg. 59478. Plaintiffs are evaluating their claims in light of this Notice.

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. The Parties propose to file a further Joint Status Report with the Court no later than fourteen days after the publication of the final rule proposed by the aforementioned Notice of Proposed Rulemaking.

Dated: January 9, 2026.

BRETT A. SHUMATE  
ACTING ASSISTANT ATTORNEY GENERAL

MICHAEL BENNETT  
Assistant Branch Director

/s/ Jason L. 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/ Alexander Barrett Bowdre

**Alexander Barrett Bowdre\***

State of Alabama  
Office of the Attorney General  
501 Washington Ave  
PO Box 300152  
Montgomery, AL 36130-0152  
334-353-8892  
Email: barrett.bowdre@alabamaag.gov

**COUNSEL FOR ALABAMA**

*\*Pro Hac Vice*

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**  
Nebraska Attorney General's Office  
1445 K Street  
Ste 2115  
Lincoln, NE 68508  
402-471-6933  
Email: cody.barnett@nebraska.gov

**COUNSEL FOR NEBRASKA**

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 E. Highway 14, Suite 1  
Pierre, South Dakota 57501  
Telephone: (605) 773-3215  
grant.flynn@state.sd.us  
jonathan.vanpatten@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**

PATRICK MORRISEY  
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 January 9, 2026 and that all counsel of record were served by CM/ECF.

/s/ Kyle S. Tebo

**KYLE S. TEBO**