

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

STATE OF TEXAS,  
STATE OF ALASKA,  
STATE OF FLORIDA,  
STATE OF INDIANA,  
STATE OF KANSAS,  
STATE OF LOUISIANA,  
STATE OF MISSOURI,  
STATE OF MONTANA, and  
STATE OF SOUTH DAKOTA,  
*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

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JOINT NOTICE

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The Plaintiff States of Texas, Alaska, Florida, Indiana, Kansas, Louisiana, Missouri, Montana, and South Dakota (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 Notice requesting that the Court lift its administrative closure of the litigation and reassign the case to its active docket. The Parties advise the Court as follows:

1. On October 31, 2025, the Court closed the instant litigation and advised the Parties that at any time they might jointly file a notice asking the Court to reopen the case “for the entry of an amended scheduling order or for the entry of a stipulation of dismissal.” ECF No. 79.
2. Following conference through counsel, the Parties agree that reopening the instant litigation is appropriate and that further delay is not desirable. The Parties intend to

advance the litigation towards resolution. Accordingly, the Parties jointly request that the Court place this case on its active docket.

3. To assist the Court in entering a scheduling order, the Parties propose the following briefing schedule for summary judgment:
  - a. Plaintiffs shall file their Motion for Summary Judgment on or before May 4, 2026.
  - b. Defendants shall file their consolidated Opposition to Defendants' Cross-Motion for Summary Judgment and Cross-Motion for Summary Judgment on or before June 15, 2026.
  - c. Plaintiffs shall file their consolidated Opposition to Defendants' Cross-Motion for Summary Judgment and Reply to Defendants' Opposition on or before July 7, 2026.
  - d. Defendants forego the filing of a reply brief.
4. This case exclusively involves claims brought under the Administrative Procedure Act, and the Parties believe these are amenable to summary judgment without the need for fact discovery. Additionally, on January 17, 2025, Defendants produced the complete administrative record related to the rulemaking that Plaintiffs are challenging. The Parties respectfully advise the Court that they do not require additional time to engage in discovery.

Dated: March 9, 2026.

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#### **CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on March 9, 2026 and that all counsel of record were served by CM/ECF.

/s/ Kyle S. Tebo  
**KYLE S. TEBO**