

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

STATE OF TEXAS, et al.,

Plaintiffs,

v.

XAVIER BECERRA, Secretary of Health  
and Human Services, et al.,

Defendants.

No. 5:22-CV-185-H

**ORDER**

On August 23, 2022, the Court granted the plaintiffs' motion for preliminary injunction (Dkt. No. 22) and denied the defendants' motion to dismiss (Dkt. No. 38). Dkt. No. 73. The defendants filed a motion for clarification (Dkt. No. 86) and later a notice of appeal (Dkt. No. 94). The parties briefed the Court's jurisdiction to resolve the motion clarification (Dkt. Nos. 96, 97), and the Court denied the motion for clarification (Dkt. No. 99). Given the case developments since the parties' previous status report, the Court orders the parties to confer by November 22, 2022 and file an updated joint status report by no later than November 29, 2022. The parties must inform the Court how they propose to proceed and the requested timeline for doing so.


The parties should inform the Court:

- Whether either side needs discovery, and if so, the types of discovery sought and the timeline for obtaining it;
- Whether either side plans to introduce additional evidence for the Court's consideration in analyzing the appropriateness and scope of the plaintiffs' requested permanent injunction;
- If additional evidence will be offered, whether the parties will agree to a bench trial for taking evidence and hearing argument;

- Whether the parties prefer to proceed on summary-judgment briefing and, if so, whether the parties will continue to stipulate to the admissibility of witness declarations and affidavits;
- Whether the parties are willing and able to submit an agreed stipulation of facts;
- Whether the parties have any other proposals regarding scheduling and discovery that they believe will facilitate the expeditious and orderly disposition of this case; and
- Whether, as mentioned in the parties' previous status report, they agree to convert the preliminary injunction to a permanent injunction and final judgment.

To the extent the parties disagree on any of these matters, the joint report should explain each side's proposal. Following the joint status report, the Court will issue an appropriate scheduling order.

So ordered on November 15, 2022.

  
\_\_\_\_\_  
JAMES WESLEY HENDRIX  
UNITED STATES DISTRICT JUDGE