

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

WHOLE WOMAN'S HEALTH
ALLIANCE, *et al.*,

Plaintiffs,

v.

UNITED STATES FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

Case No. 3:23-cv-00019-RSB

DEFENDANTS' MOTION TO STAY PROCEEDINGS

Defendants respectfully move this Court to stay proceedings in the above-captioned matter pending resolution of appellate proceedings – including any timely-filed petition for writ of certiorari – relating to the April 7, 2023 order entered by the Northern District of Texas in *Alliance for Hippocratic Medicine, et al. v. FDA, et al.*, No. 2:22-cv-223-Z. *See* 2023 WL 2825871 (N.D. Tex. Apr. 7, 2023). As set forth more fully in Defendants' concurrently filed Combined Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction and in Support of Motion to Stay Proceedings, such a stay is in the interest of judicial economy, would not prejudice Plaintiffs, and would prevent hardship or inequity to Defendants.

June 5, 2023

Respectfully submitted,

/s/ Noah T. Katzen

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Certificate of Service

I certify that the foregoing was served on all counsel of record via ECF on June 5, 2023.

/s/ Noah T. Katzen
Noah T. Katzen

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[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO STAY PROCEEDINGS

Upon consideration of Defendants' Motion to Stay Proceedings, and for good cause shown, it is hereby ORDERED that Defendants' motion is GRANTED.

Proceedings in this matter are STAYED pending resolution of appellate proceedings – including any timely-filed petition for writ of certiorari – relating to the April 7, 2023 order entered by the Northern District of Texas in *Alliance for Hippocratic Medicine, et al. v. FDA, et al.*, No. 2:22-cv-223-Z. *See* 2023 WL 2825871 (N.D. Tex. Apr. 7, 2023). Within two weeks of the resolution of such proceedings, the parties SHALL FILE a joint status report.

SO ORDERED.

Date

Hon. Robert S. Ballou
United States District Judge