

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

2:21-CV-022-Z

PLANNED PARENTHOOD
FEDERATION OF AMERICA, *et al.*,

Defendants.

ORDER

Before the Court is Affiliate Defendants' Motion to Stay Pending PPFA's Appeal and to Expedite Briefing on Same ("Motion") (ECF No. 572), filed on November 29, 2023. On November 20, 2023, PPFA filed a notice of interlocutory appeal of this Court's October 23, 2023 order. *See* ECF No. 568. Then on November 27, 2023, PPFA filed a motion arguing that the attorney immunity it asserts is "a true immunity from suit," and that, because all the remaining claims against PPFA turn on allegations of attorney advice, the appeal divests the Court of jurisdiction and the case against PPFA must be stayed pending the resolution of the appeal. *See* ECF Nos. 569 at 5–6; 572 at 2. This Court declined to implement the requested stay but ordered expedited briefing. *See* ECF No. 570 at 1 ("As of now, proceedings are not stayed pending appeal. However, briefing on this Motion shall be expedited.").

Now Affiliate Defendants move for the Court to "stay the entire case until PPFA's appeal is resolved" because "claims against the Affiliate Defendants are so closely interconnected with and involve the same underlying facts as the claims against PPFA." ECF No. 572 at 2. And they aver that "[a] full stay would therefore preserve judicial resources, particularly given the need to specially empanel jurors for multiple trials and mitigate litigation costs for all parties." *Id.* at 3.

The Court agrees that the respective claims against Affiliate Defendants and PPFA are very “closely interconnected” and “involve the same underlying facts.” ECF No. 572 at 2. Accordingly, the Motion is **GRANTED IN PART**. As of now, proceedings are not stayed. However, briefing on this Motion shall be expedited. Plaintiffs are **ORDERED** to respond, in no more than ten (10) pages, to Affiliate Defendants’ Motion **on or before December 18, 2023**. Likewise, Affiliate Defendants are **ORDERED** to reply, in no more than five (5) pages, **on or before January 1, 2024**.

SO ORDERED.

November 30, 2023

A handwritten signature in black ink, appearing to read 'MATTHEW J. KACSMARYK', written over a horizontal line.

MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE