

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

GENBIOPRO, INC.,

Plaintiff,

v.

Case No. 23-cv-1057-TDC

**U.S. FOOD AND DRUG
ADMINISTRATION, *et al.*,**

Defendants.

JOINT STATUS REPORT

The parties respectfully submit this joint status report following the Supreme Court's decision in *FDA v. Alliance for Hippocratic Medicine*, 602 U.S. 367 (2024). The parties state as follows:

1. Last year, the Court granted the parties' joint motion to stay proceedings while the appellate process played out in *Alliance*. See Order, ECF No. 31 (Aug. 1, 2023).

2. In June 2024, the Supreme Court reversed the Fifth Circuit's judgment, holding that the respondents "lack[ed] Article III standing to challenge FDA's [2016 and 2021] actions" relating to mifepristone. See *Alliance*, 602 U.S. at 372, 397. It then remanded the case for further proceedings consistent with its opinion. *Id.*

3. On July 15, 2024, the Supreme Court issued its judgment. And two days later, the Fifth Circuit acknowledged receipt of the judgment. See ECF No. 377, No. 23-10362 (5th Cir. July 17, 2024). No further proceedings since then have occurred in the district court. However, while the Supreme Court proceedings in *Alliance* were pending, three States filed a motion in the district court in *Alliance* to intervene as additional plaintiffs, seeking similar injunctive relief as the

original *Alliance* plaintiffs. *See* ECF No. 151, No. 2:22-cv-223-Z (N.D. Tex. Nov. 3, 2023). The district court granted that motion to intervene, and the States' complaint-in-intervention was filed on the docket. *See* ECF Nos. 175, 176, No. 2:22-cv-223-Z (N.D. Tex. Jan. 12, 2024).

4. In this case, Defendants continue to dispute whether Plaintiff's suit is proper and its claims have merit. The parties agree, however, that they would benefit from understanding how *Alliance* will proceed. Therefore, in the interest of efficiency and to conserve judicial and party resources, the parties respectfully suggest that this case continue to be held in abeyance and that the parties file another joint status report in 90 days to update the Court on the status of *Alliance* and a proposed path forward in this case.

Dated: July 29, 2024

Respectfully submitted,

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