UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA

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

Plaintiffs,

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

v.

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

Defendants.

DEFENDANTS' MOTION TO STAY PROCEEDINGS

Defendants respectfully move this Court to stay proceedings in the abovecaptioned matter pending resolution of appellate proceedings – including any timelyfiled 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,

<u>/s/ Noah T. Katzen</u> NOAH T. KATZEN ISAAC C. BELFER Trial Attorneys Consumer Protection Branch Civil Division U.S. Department of Justice P.O. Box 386 Washington, DC 20044-0386 (202) 305-2428 (Katzen) (202) 305-7134 (Belfer) (202) 514-8742 (fax) Noah.T.Katzen@usdoj.gov Isaac.C.Belfer@usdoj.gov

Certificate of Service

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

2023.

<u>/s/ Noah T. Katzen</u> Noah T. Katzen