

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

STATE OF FLORIDA,

Plaintiff,

v.

No. 3:21-cv-2722-MCR-HTC

DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,

Defendants.

JOINT MOTION TO STAY ALL PROCEEDINGS PENDING APPEAL

The parties jointly move to stay further proceedings in district court pending Florida’s appeal of this Court’s decision denying its motion for preliminary injunction.

1. On November 17, 2021, Florida moved for a temporary restraining order or preliminary injunction. ECF 2. On November 20, this Court denied Florida’s motion, ECF 6, and on November 24, Florida appealed, ECF 10.

2. The parties agree that the Eleventh Circuit’s decision on Florida’s appeal is likely to guide further proceedings in this case, and that staying district court proceedings pending that appeal will preserve the resources of the parties and this Court. *See Landis v. North Am. Co.*, 299 U.S. 248, 254–55 (1936) (A district court’s “power to stay proceedings is incidental to the power inherent in every court to

control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”); *accord Claridy v. City of Lake City*, No. 3:13-cv-558, 2014 WL 11430972, at *1 (M.D. Fla. Nov. 25, 2014).

* * *

For these reasons, the parties jointly request that the Court stay proceedings in districts court pending Florida’s appeal, including the deadlines in the Initial Scheduling Order, ECF 7.

Respectfully submitted,

Ashley Moody
ATTORNEY GENERAL

John Guard (FBN 374600)
CHIEF DEPUTY ATTORNEY GENERAL

James H. Percival (FBN 1016188)
DEPUTY ATTORNEY GENERAL OF LEGAL POLICY

Henry C. Whitaker (FBN 1031175)
SOLICITOR GENERAL

Daniel Bell (FBN 1008587)
CHIEF DEPUTY SOLICITOR GENERAL

/s/ David M. Costello
David M. Costello (FBN 1004952)
ASSISTANT SOLICITOR GENERAL

Natalie Christmas (FBN 1019180)
ASSISTANT ATTORNEY GENERAL OF LEGAL POLICY

Jason H. Hilborn (FBN 1008829)
DEPUTY SOLICITOR GENERAL

Office of the Attorney General
The Capitol, Pl-01
Tallahassee, Florida 32399-1050
(850) 414-3300
(850) 410-2672 (fax)
david.costello@myfloridalegal.com

Counsel for the State of Florida

Brian M. Boynton
ACTING ASSISTANT ATTORNEY GENERAL

Michelle R. Bennett
ASSISTANT BRANCH DIRECTOR
FEDERAL PROGRAMS BRANCH

/s/ Joel McElvain
Joel McElvain
Bar No. 448431(DC)
SENIOR TRIAL COUNSEL

Julie Straus Harris
Bar No. 1021298(DC)
SENIOR TRIAL COUNSEL

Jonathan D. Kossak
Bar No. 991478(DC)
TRIAL ATTORNEY

Michael L. Drezner
Bar No. 83836(VA)
TRIAL ATTORNEY

U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20530
Tel: (202) 616-8298
Fax: (202) 616-8470
Email: Joel.L.McElvain@usdoj.gov
Counsel for Defendants

CERTIFICATE OF CONFERRAL

Consistent with Local Rule 7.1(B), counsel conferred with Defendants in good faith about the relief requested in this motion. Counsel is authorized to represent that Defendants join in this motion.

CERTIFICATE OF WORD COUNT

Consistent with Local Rule 7.1(F), this motion contains 200 words.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of December, 2021, a true and correct copy of the foregoing was filed with the Court's CM/ECF system, which will provide service to all parties.

/s/ David M. Costello
Assistant Solicitor General