

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**RICHARD W. DEOTTE et al.,**

**Plaintiffs,**

**v.**

**ALEX M. AZAR II et al.,**

**Defendants.**

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**Civil Action No. 4:18-cv-00825-O**

**NOTICE**

On July 29, 2019, the Court denied the State of Nevada’s Motion to Intervene. One reason for denying Nevada’s Motion to Intervene was the Court’s conclusion that Nevada did not have standing as required by the Supreme Court’s recent opinion in *Town of Chester v. Laroe County Estates, Inc.*, 137 S. Ct. 1645 (2017). ECF No. 97. After further briefing and oral arguments in *Franciscan Alliance, Inc. v. Azar*, No. 7:16-cv-108 [hereinafter *Franciscan*]—neither of which occurred prior to the Court’s July 29, 2019 order in this case—the Court has determined that defendant-intervenors typically need not establish standing because they generally do not “pursue relief” within the meaning of *Town of Chester*. 137 S. Ct. at 1651; *see also Franciscan*, No. 7:16-cv-108, at 12–13 n.3 (N.D. Tex. Oct. 15, 2019), ECF No. 175.

Like the defendant-intervenors in *Franciscan*, Nevada did not claim a right to assert counterclaims, cross-claims, or any other claim for relief. *See generally* Mot. Int., ECF No. 62. Rather, they emphasized that “[n]o current party represents Nevada’s interests in defense of current law” and listed defensive actions the federal government did not take *Id.* at 8. Accordingly, the Court has reconsidered its decision and concluded that, at the trial stage, *Town of Chester*’s concept

of “relief” does not bar Nevada from intervening in this case. 137 S. Ct. at 1651. Nevertheless, for the other reasons stated in the Court’s order, Nevada is not entitled to intervene.

**SO ORDERED** on this **15th day of October, 2019**.

  
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Reed O'Connor  
UNITED STATES DISTRICT JUDGE