

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.*

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**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,

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**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