

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF OHIO**

STATE OF OHIO, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

Case No. 1:21-cv-675

Judge Timothy S. Black

**JOINT MOTION TO STAY PROCEEDINGS**

The parties jointly request that this Court stay further proceedings in this matter pending final resolution of Plaintiffs' appeal from the Court's order denying Plaintiffs' motion for a preliminary injunction. *See* Order on PI Mot., R.50.

On December 29, 2021, the Court denied Plaintiffs' motion for a preliminary injunction. Order on PI Mot., R.50, PageID#680. Plaintiffs appealed the Court's order on December 30, 2021. *See* Notice of Appeal, R.51. Plaintiffs also filed a motion for an injunction pending appeal, which has been fully briefed, and requested a ruling by January 31, 2022. Defendants are currently obligated to respond to Plaintiffs' complaint in this Court on or before January 26, 2022. Order, R.49.

The parties respectfully request that the Court stay district-court proceedings pending the final resolution of Plaintiffs' appeal. This will promote judicial economy and preserve the parties' resources. *See Ostendorf v. Grange Indem. Ins. Co.*, No. 2:19-CV-1147, 2020 WL 729887 (S.D. Ohio Feb. 13, 2020). Plaintiffs' appeal implicates the same legal issues that the parties and the Court will address in future proceedings, including the interpretation of 42 U.S.C. §300a-6. An appellate decision will thus likely provide the Court and the parties significant aid in the ultimate resolution of this case. Furthermore, the parties' proposed stay is of a limited and definite duration that will not cause undue delay in the resolution of this case. To that end, Defendants have agreed to

produce the Administrative Record by February 18, 2022, which will expedite proceedings in this Court following the resolution of the Plaintiffs' appeal.

Accordingly, the parties respectfully request that the Court stay further district court proceedings in this matter until the parties have exhausted appellate proceedings. The parties further propose to file a joint status report with the Court within thirty days after appellate proceedings are exhausted, in which they will propose a schedule for future proceedings in this Court.

DATED: January 25, 2022

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

DAVE YOST  
Ohio Attorney General

MICHELLE R. BENNETT  
Assistant Branch Director

/s/ Benjamin M. Flowers  
BENJAMIN M. FLOWERS\* (0095284)  
Solicitor General

/s/ R. Charlie Merritt  
R. CHARLIE MERRITT  
MICHAEL P. CLENDENEN  
ALEXANDRA R. SASLAW  
Trial Attorneys  
Civil Division, Federal Programs Branch  
U.S. Department of Justice  
1100 L Street, NW  
Washington, DC 20005  
Phone: (202) 616 8098  
E-mail: robert.c.merritt@usdoj.gov

\* Trial attorney  
STEPHEN P. CARNEY (0063460)  
MAY DAVIS (admitted *pro hac vice*)  
Deputy Solicitors General  
30 East Broad Street, 17th Floor  
Phone: 614-466-8980  
Fax: 614-466-5087  
bflowers@ohioago.gov

*Counsel for the State of Ohio*

*Counsel for Defendants*

*List of counsel continued on following pages*

STEVE MARSHALL  
Alabama Attorney General

/s/ Thomas Wilson  
THOMAS WILSON (admitted *pro hac vice*)  
Deputy Solicitor General  
Office of the Attorney General  
501 Washington Ave  
Montgomery, AL 36130  
Phone: 332-242-7300  
Thomas.Wilson@AlabamaAG.gov

*Counsel for the State of Alabama*

MARK BRNOVICH  
Arizona Attorney General

/s/ Kate Sawyer  
KATE SAWYER (admitted *pro hac vice*)  
Assistant Attorney General  
Arizona Attorney General's Office  
2005 N. Central Ave.  
Phoenix, AZ 85004  
Phone: 602-542-8304  
kate.sawyer@azag.gov

*Counsel for the State of Arizona*

LESLIE RUTLEDGE  
Arkansas Attorney General

/s/ Vincent M. Wagner  
VINCENT M. WAGNER (admitted *pro hac vice*)  
Deputy Solicitor General  
Office of the Arkansas Attorney General  
323 Center Street, Suite 200  
Little Rock, Arkansas 72201  
Phone: 501-682-6302  
vincent.wagner@arkansasag.gov

*Counsel for the State of Arkansas*

ERIC S. SCHMITT  
Missouri Attorney General

/s/ D. John Sauer  
D. JOHN SAUER (admitted *pro hac vice*)  
Solicitor General  
Office of the Missouri Attorney General  
Supreme Court Building  
207 West High Street  
Jefferson City, MO 65102  
Phone: 573-751-8870  
John.Sauer@ago.mo.gov

*Counsel for the State of Missouri*

DOUGLAS J. PETERSON  
Nebraska Attorney General

/s/ James A. Campbell  
JAMES A. CAMPBELL (0081501)  
Solicitor General  
Office of the Nebraska  
Attorney General  
2115 State Capitol  
Lincoln, NE 68509  
Phone: 402-471-2682  
jim.campbell@nebraska.gov

*Counsel for the State of Nebraska*

JOHN M. O'CONNOR  
Oklahoma Attorney General

/s/ Zach West  
ZACH WEST (admitted *pro hac vice*)  
Assistant Solicitor General  
Office of the Oklahoma Attorney General  
313 N.E. Twenty-First St.  
Oklahoma City, OK 73105  
Phone: 405-522-4392  
zach.west@oag.ok.gov

*Counsel for the State of Oklahoma*

ASHLEY MOODY  
Florida Attorney General

/s/ Natalie Christmas  
NATALIE CHRISTMAS (admitted *pro hac vice*)  
Assistant Attorney General of Legal Policy  
Office of the Attorney General  
PL-01 The Capitol  
Tallahassee, FL 32399-1050  
Phone: 850-414-3300  
Fax: 850-410-267  
Natalie.christmas@myfloridalegal.com

*Counsel for the State of Florida*

DEREK SCHMIDT  
Kansas Attorney General

/s/ Kurtis Wiard  
KURTIS WIARD (admitted *pro hac vice*)  
Assistant Solicitor General  
Office of Kansas Attorney General  
120 SW 10th Avenue, 3rd Floor  
Topeka, KS 66612-1597  
Phone: 785-368-8435  
Fax: 785-291-3767  
kurtis.wiard@ag.ks.gov

*Counsel for the State of Kansas*

DANIEL CAMERON  
Kentucky Attorney General

/s/ Olivia F. Amlung  
OLIVIA F. AMLUNG (0098606)  
Assistant Attorney General  
Office of Kentucky Attorney General  
1840 Simon Kenton Way, Suite 5300  
Covington, KY 41011  
Phone: 502-696-5300  
Fax: 502-564-2894  
Olivia.Amlung@ky.gov

*Counsel for the Commonwealth of Kentucky*

ALAN WILSON  
South Carolina Attorney General

EMORY SMITH  
(admitted *pro hac vice*)  
Deputy Solicitor General  
/s/ Thomas T. Hydrick  
THOMAS T. HYDRICK  
(admitted *pro hac vice*)  
Assistant Deputy Solicitor General  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
Phone: 803-734-3742  
ThomasHydrick@scag.gov

*Counsel for the State of South Carolina*

PATRICK MORRISEY  
West Virginia Attorney General

/s/ Lindsay S. See  
LINDSAY S. SEE  
(admitted *pro hac vice*)  
Solicitor General  
Office of the West Virginia  
Attorney General  
State Capitol, Bldg 1, Room E-26  
Charleston, WV 25305  
Phone: 681-313-4550  
Lindsay.S.See@wvago.gov

*Counsel for the State of West Virginia*

**CERTIFICATE OF SERVICE**

On January 25, 2022, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Southern District of Ohio, using the Court's electronic case filing system. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Benjamin M. Flowers  
Benjamin M. Flowers

*Counsel for the State of Ohio*