

The Supreme Court's Mifepristone Case Began In The Courtroom Of Extremist Judge Matthew Kacsmark, Whose Feckless Embrace Of Dangerous "Judge Shopped" Cases Brought By Right-Wing Special Interests Continues Unabated

SUMMARY: In March 2024, the federal judiciary's policymaking body published [nonbinding guidance](#) encouraging federal district courts to address concerns about "judge shopping." The Judicial Conference wrote in its memo that the body's longstanding policy was to support the "random assignment of cases" in order to deter plaintiffs from filing civil actions in district courts where they believe an assigned judge will be more sympathetic to their case. Specifically, the guidance encouraged civil actions seeking a state- or nationwide injunction to be randomly assigned at the district level.

The move by the Judicial Conference appeared to reflect growing concern that right-wing activists are testing fringe legal theories in the single-judge district courts of the Fifth Circuit Court of Appeals, encompassing Texas, Louisiana, and Mississippi. This is particularly true in the Amarillo Division of the Northern District of Texas, where Matthew Kacsmark, a Trump appointee, is the sole federal judge.

A review of Kacsmark's docket since January 2021 presents evidence that multiple Republican-led states and right-wing special interests have "shopped" their cases in Amarillo. In virtually all these cases, the plaintiffs or the law firms backing them had only a tenuous connection to the area. Nevertheless, Judge Kacsmark entertained their civil actions, often risking significant consequences for the rest of the country: Today, the Supreme Court [unanimously rejected](#) a challenge to the Food and Drug Administration's decades-old approval of the abortion pill mifepristone. The case originated in Kacsmark's court.

Since January 2021, there have been at least 14 cases that were apparently "shopped" in Amarillo:

- February 2021: The California-based Center For Medical Progress sued Planned Parenthood on behalf of Texas and Louisiana in an attempt to bankrupt the healthcare provider
- April 2021: A coalition of Republican-led states looking to stop President Biden from ending President Trump's "Remain in Mexico" policy filed their case in Amarillo, Texas
- August 2021: Stephen Miller's Washington D.C.-based America First Legal Foundation backed two physicians in Amarillo who successfully sued the Biden Administration for the right to discriminate against LGBTQ+ patients
- November 2022: The anti-abortion group Alliance For Hippocratic Medicine

incorporated in Amarillo for the sole purpose of suing the Food and Drug Administration over its decades-old approval of the abortion pill mifepristone—a case that is now before the Supreme Court

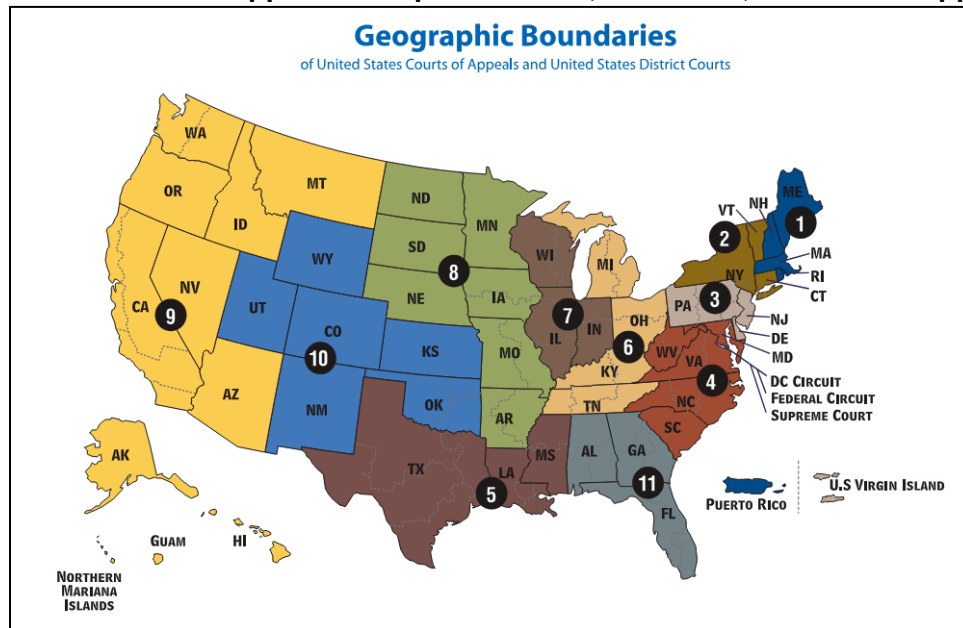
- January 2023: The Milwaukee-based Wisconsin Institute For Law & Liberty found an individual in Amarillo, Texas, willing to sue the Bureau of Alcohol, Tobacco, Firearms and Explosives in order to block a federal rule regulating “stabilizing braces”
- January 2023: Utah, backed by Texas and 22 other states as well as Big Oil, sued in Amarillo to stop a rule promoting environmental, social, and governance (ESG) investing
- June 2023: A group of noted anti-vaxxers incorporated a nonprofit in Amarillo and then sued the Centers for Disease Control and Prevention (CDC) in order to access V-Safe, the CDC’s COVID-19 vaccine safety monitoring system
- November 2023: A coalition of attorneys general from Missouri, Kansas, and Idaho filed a motion to intervene in the ongoing mifepristone case.
- April 2024: A farmer in North Texas backed by two out-of-state conservative legal foundations sued the Department of Agriculture over the disbursement of disaster assistance and pandemic-related relief
- April 2024: Texas—backed by The America First Legal Foundation—sued the U.S. Department of Education in Amarillo after the department expanded the scope of Title IX to protect LGBTQ+ students
- May 2024: In an amended complaint, two University of Texas Professors—still backed by the America First Legal Foundation— sued the federal government over its recently revised Title IX rules saying they would not excuse abortion-related class absences
- May 2024: Texas convened a coalition of states and Second Amendment groups to sue The Bureau of Alcohol, Tobacco, Firearms and Explosives over a new rule regulating firearm dealers
- May 2024: The American Health Care Association sued the Biden Administration to stop its national staffing requirement for nursing homes
- June 2024: Two plaintiffs, supported by the anti-regulation group Competitive Enterprise Institute, filed a complaint against the Department of Energy over their enforcement of water efficiency rules for certain consumer appliances

This review suggests that **judge shopping in Amarillo has become a more frequent occurrence over time**. After the Judicial Conference published its guidance, the Northern District of Texas, where Amarillo is located, [announced](#) that it would not adopt the new policy. Within weeks, Republican states and conservative special interests filed multiple lawsuits seeking national injunctions to Judge Kacsmaryk’s docket.

In March 2024, The Federal District Court In North Texas, Which Is Part Of The Fifth Circuit, Refused To Adopt A New Policy Developed By The Judicial Conference To Address Judge Shopping Concerns.

The Fifth Circuit Court Of Appeals Is Considered One Of The Most Conservative Federal Courts

The Fifth Circuit Court Of Appeals Comprises Texas, Louisiana, And Mississippi.



[USCourts.gov, accessed [5/8/24](#)]

The Fifth Circuit Is Often Cited As The United States’ “Most Conservative” Federal Appeals Court. “Texas immigration ruling puts spotlight on nation’s most conservative federal appeals court...The court hears appeals of rulings from federal district courts in Texas, Louisiana and Mississippi. Conservative opposition to Democratic President Joe Biden’s policies often follows a well-worn path that starts in federal district courts in Texas and western Louisiana, where Republican-appointed judges dominate. Win or lose, appeals of such cases go to the reliably conservative 5th Circuit.” [AP, [3/20/24](#)]

- **The New York Times: “Abortion Pill Fight To Be Heard By One Of Nation’s Most Conservative Courts”** [The New York Times, [5/16/23](#)]
- **The Texas Tribune: “Trump-Appointed Judges Are Shifting The Country’s Most Politically Conservative Circuit Court Further To The Right”** [The Texas Tribune, [8/30/18](#)]
- **Vox: “How The Fifth Circuit Became The Trumpiest Court In America”** [Vox, [12/27/22](#)]

The Fifth Circuit Has Been Accused Of Facilitating “Judge Shopping.” The Practice Of Strategically Placing Cases In Front Of Sympathetic Judges

“Judge Shopping” Is The Practice Of Filing Lawsuits Strategically In Order For Them To Be Heard By A Sympathetic Judge. “When the Judicial Conference, the national policy-making body of the federal courts, announced last month that plaintiffs would no longer be able to engage in “judge-shopping” — choosing to file major lawsuits at courthouses where they could be sure that a sympathetic judge would hear them — the policy sounded like a done deal.” [The New York Times, [4/5/24](#)]

- **Judge Shopping Is A More Targeted Form Of “Forum Shopping.”** “Judge shopping is a relative of a broader legal strategy called forum shopping where plaintiffs file their cases in the court that gives them the best chances of winning.” [Bloomberg Law, [3/14/24](#)]

The Fifth Circuit Has Faced Accusations Of Facilitating Judge Shopping. “Many of the lawsuits at issue were filed in small federal courthouses in Texas, whose one or two judges, appointees of Republican presidents, have regularly delivered wins for Republican state attorneys general, activists and companies seeking to block policies concerning abortion, immigration, gun control, labor law and other hot-button issues...Texas' four districts are subdivided into 27 divisions. Appeals from those Texas judges' rulings go to the New Orleans-based 5th Circuit, which has at times sustained the decisions.” [Reuters, [3/13/24](#)]

- **The New Republic: “The Fifth Circuit’s Reign Of Error Is In Jeopardy”** [The New Republic, [3/29/24](#)]
- **Bloomberg Law: “Fifth Circuit Risks Losing Big Cases Amid Judge Shopping Worries”** [Bloomberg Law, [4/5/24](#)]

In March 2024, The Judicial Conference Adopted A New Policy To Address Judge Shopping Concerns

March 15, 2024: The Judicial Conference Issued Non-Binding Guidance To The Federal Courts On Civil Case Assignment To Address Judge Shopping Concerns. “The U.S. federal judiciary on Friday made clear that trial courts had discretion to decide how to implement a policy it adopted earlier in the week to curtail the practice of “judge shopping” cases that challenge government policies. Judicial policymakers issued the guidance, opens new tab following a backlash from some conservative judges and Republican lawmakers including Senate Minority Leader Mitch McConnell, who called it a “half-baked” policy that would advantage Democrats in legal battles.” [Reuters, [3/15/24](#)]

- **The Judicial Conference Is The Policymaking Body For The Federal Courts.** “At the national level, the Judicial Conference serves as the policymaking body for the federal courts. It convenes twice a year to consider administrative and policy issues affecting the federal court system, and to make recommendations to Congress concerning legislation involving the Judicial Branch.” [USCourts.gov, accessed [5/8/24](#)]

The Judicial Conference's Guidance Recommended That District Courts Assign Civil Actions Seeking To Bar Or Mandate State- Or Nationwide Enforcement Of State And Federal Law On A District-Wide Basis. "District courts should apply district-wide assignment to: a. civil actions seeking to bar or mandate statewide enforcement of a state law, including a rule, regulation, policy, or order of the executive branch or a state agency, whether by declaratory judgment and/or any form of injunctive relief; and b. civil actions seeking to bar or mandate nationwide enforcement of a federal law, including a rule, regulation, policy, or order of the executive branch or a federal agency, whether by declaratory judgment and/or any form of injunctive relief." [Committee on Court Administration and Case Management of the Judicial Conference of the United States, [3/15/24](#)]

The Judicial Conference Specifically Cited The Potential For Judge Shopping To Justify The New Policy. "The Judicial Conference's longstanding policies supporting the random assignment of cases and ensuring that district judges remain generalists deter both judge-shopping and the assignment of cases based on the perceived merits or abilities of a particular judge." [Committee on Court Administration and Case Management of the Judicial Conference of the United States, [3/15/24](#)]

The Northern District Of Texas, Which Is Within The Fifth Circuit, Refused To Adopt The Judicial Conference's Policy

March 29, 2024: The Northern District Of Northern Texas Announced That It Would Not Adopt The Judicial Conference's New Judge Shopping Policy. "A federal court in Texas that has become a favored destination for conservatives suing to block President Joe Biden's agenda has decided not to follow a policy adopted by the judiciary's top policymaking body that aims to curtail the practice of "judge shopping." Chief U.S. District Judge David Godbey of the Northern District of Texas announced the decision in a Friday letter to Democratic U.S. Senate Majority Leader Chuck Schumer, who had urged him to implement a new policy that aimed to ensure cases challenging federal or state laws are randomly assigned judges." [Reuters, [4/1/24](#)]

Judge Matthew Kacsmaryk Is A Right-Wing Activist Judge Serving In The Amarillo Division Of The Northern District Of Texas, Where He Is The Sole Judge And Therefore Hears All Cases—Perfect Conditions For Conservative Activist Groups To "Shop" Their Fringe Legal Theories In Court.

Federal District Judge Matthew Kacsmaryk Was Appointed By President Trump And Has A Long History Of Extreme Opposition To Reproductive And LGBTQ Rights

September 2017: President Donald Trump Nominated Matthew Kacsmaryk To The United States District Court For The Northern District Of Texas. [Ballotpedia, Accessed [2/9/23](#)]

Reproductive Rights Groups Fiercely Opposed Kacsmaryk's Nomination Due To His Extreme Views On Abortion. "LGBTQ and reproductive rights groups have been protesting

Kacsmark's nomination for more than a year because of his extreme views on both fronts. Last week, dozens of human rights groups signed a letter opposing him." [HuffPost, [6/19/19](#)]

- **Kacsmark Opposed The Employer Contraceptive Mandate In The Affordable Care Act.** "On reproductive rights, Kacsmark opposed the employer contraceptive mandate in the Affordable Care Act and played a lead role in opposing a Washington state law that required pharmacists to provide birth control to women." [HuffPost, [6/19/19](#)]
- **Kacsmark Played A "Lead Role" In Fighting The Washington State Law That Required Pharmacists To Provide Birth Control.** "On reproductive rights, Kacsmark opposed the employer contraceptive mandate in the Affordable Care Act and played a lead role in opposing a Washington state law that required pharmacists to provide birth control to women." [HuffPost, [6/19/19](#)]
- **Kacsmark Criticized The Supreme Court's 1973 Decision In Roe V. Wade, Describing The Case As One In Which "Seven Justices Of The Supreme Court Found An Unwritten 'Fundamental Right' To Abortion Hiding In The Due Process Clause Of The Fourteenth Amendment And The Shadowy 'Penumbra' Of The Bill Of Rights."** "On January 22, 1973, seven justices of the Supreme Court found an unwritten 'fundamental right' to abortion hiding in the due process clause of the Fourteenth Amendment and the shadowy 'penumbra' of the Bill of Rights, a celestial phenomenon invisible to the non-lawyer eye. In the minutes and hours that followed, the New York Times predicted that Roe represented 'an historic resolution of a fiercely controversial issue.'" [Matthew Kacsmark Opinion, The Public Discourse, [9/4/15](#)]

Kacsmark Has A History Of "Extreme" Anti-LGBTQ Views. "LGBTQ and reproductive rights groups have been protesting Kacsmark's nomination for more than a year because of his extreme views on both fronts. Last week, dozens of human rights groups signed a letter opposing him." [HuffPost, [6/19/19](#)]

- **Salon: "Senate Confirms Judge Who's So Anti-LGBTQ Even Susan Collins Voted No."** [Salon, [6/21/19](#)]
- **In 2015, Kacsmark Said The LGBTQ Movement Is Characterized By "Lawlessness" And "A Complete Refusal To Obey Basic Rule Of Law Principles."** "In this context, Kacsmark has vigorously opposed LGBTQ equality, viewing LGBTQ rights as part of an impermanent sexual revolution that he believes 'has been typified by lawlessness and just a complete refusal to obey basic rule of law principles.'" [Alliance for Justice, Accessed [2/9/23](#)]
- **Kacsmark Opposed The Supreme Court's 2015 Decision That Legalized Same-Sex Marriage.** "Kacsmark rejected the Supreme Court's 2015 ruling in Obergefell v. Hodges, which legalized same-sex marriage nationwide, claiming that 'traditionally and legally, we define sex according to chromosomes.'" [Salon, [6/21/19](#)]
- **In 2016, Kacsmark Joined Religious Groups In Signing A Letter That Dismissed Transgender Identity As A "Delusion."** "The Senate voted to confirm Matthew Kacsmark as the new U.S. district judge for the Northern District of Texas by a 52-46 vote. ... In 2016, he signed on to a letter from multiple religious groups that described transgender identity as a 'delusion.'" [Salon, [6/21/19](#)]

- **Kacsmark Represented The Oregon Bakery That Refused To Bake A Wedding Cake For A Same-Sex Couple.** “Kacsmark also represented an Oregon bakery, Sweet Cakes by Melissa, that refused to bake a wedding cake for a gay couple, the Dallas Morning News reported. First Liberty, where he is an attorney, also filed a brief in support of the Colorado bakery involved in a prominent Supreme Court case last year after its owner refused to make a wedding cake for a gay couple.” [Salon, [6/21/19](#)]

Kacsmark Has Been Described As A “Loose Cannon”

A Stanford Law Professor Described Kacsmark As A “Loose Cannon.” “In other words, for anti-abortion activists looking for a friendly ear, Kacsmark may just be perfect. And if Kacsmark backs the anti-abortion activists’ new lawsuit, his ruling could be appealed to the U.S. Court of Appeals for the Fifth Circuit, which is famously conservative-leaning, then to the Supreme Court, with its 6-3 conservative majority. ‘People are increasingly worried not because the legal theory started to make more sense when they thought about it. They got increasingly worried because they realized it was going to a judge who was probably going to rule in a way that was purely ideological and not related to the law,’ said Joanna Grossman, a visiting professor at Stanford Law School, who called Kacsmark a “loose cannon.” She added, ‘It’s not a good claim, and yet it will probably be accepted’.” [Vice News, [2/8/23](#)]

Matthew Kacsmark Is The Sole Judge Serving In The Amarillo Division Of The Northern District Of Texas, Meaning All Cases Are Automatically Assigned To Him

June 2019: Kacsmark Was Confirmed To The Amarillo Division Of The Northern District Of Texas. [Federal Judicial Center, [Accessed 2/17/23](#)]

- **Cases Filed In Amarillo, Texas Have “A 100 Percent Chance Of Having The Case Assigned To Judge Matthew Kacsmark.”** “It was filed in Amarillo. Why Amarillo? By filing there, Mr. Paxton had a 100 percent chance of having the case assigned to Judge Matthew Kacsmark — appointed to the bench by President Donald Trump in 2019 and a former deputy general counsel to the First Liberty Institute, which frequently litigates religious liberty cases before the Supreme Court.” [The New York Times, [02/05/23](#)]

Republican-Led States And Conservative Special Interest Groups Have Shopped At Least 14 Cases In Amarillo Federal Court Since January 2021.

February 2021: The California-Based Center For Medical Progress Sued Planned Parenthood On Behalf Of Texas And Louisiana In Amarillo In An Attempt To Bankrupt The Healthcare Provider

An Anonymous Plaintiff Based In California Sued Planned Parenthood On Behalf Of Texas And Louisiana, Alleging That The Medical Provider Was Improperly Reimbursed For Services By The Texas And Louisiana Medicaid Programs

February 2021: An Anonymous Plaintiff Brought A Civil Fraud Action On Behalf Of The United States, Texas, And Louisiana, Claiming That Planned Parenthood Had Illegally Filed Claims With The Federal Medicaid Program. “On February 5, 2021 an anonymous Plaintiff, “Relator Alex Doe,” brought this civil fraud action on behalf of the United States, Texas, and Louisiana against Defendants Planned Parenthood Federation of America, Inc., and other Planned Parenthood affiliates. Plaintiff sought to recover damages and civil penalties they alleged were owed to the United States, Texas, and Louisiana as a result of Planned Parenthood having presented ‘false or fraudulent claims for payment of approval under the Medicaid program, and having concealed or improperly avoided an obligation to repay money wrongfully obtained under the Medicaid program.” [Civil Rights Litigation Clearinghouse, accessed [10/11/23](#)]

- **The Case Was Filed In The Northern District Of Texas Amarillo Division And Was Therefore Assigned To Judge Matthew Kacsmaryk.** “The case was filed in the Northern District of Texas Amarillo Division and was assigned to Judge Matthew J. Kacsmaryk.” [Civil Rights Litigation Clearinghouse, accessed [10/11/23](#)]

November 2021: Texas Notified The Court That It Would Intervene In The Case. “On November 1, 2021, Texas notified the Court of its decision to intervene in the suit. Texas filed a complaint in intervention on January 6, 2022.” [Civil Rights Litigation Clearinghouse, accessed [10/11/23](#)]

According To The Complaint, Planned Parenthood Unlawfully Collected Reimbursements From State Medicaid Programs After Texas And Louisiana Took Legal Action To Exclude The Healthcare Provider. “Those videos led Texas, as well as Louisiana, to announce later in 2015 that they would terminate Planned Parenthood as a provider covered by their Medicaid programs, but federal court orders stopped them from finalizing the terminations for years. The orders were later lifted on appeal, allowing Texas to end its contract with Planned Parenthood in 2021 and Louisiana in 2022. The lawsuit before Kacsmaryk accuses Planned Parenthood of defrauding the states by continuing to bill and collect payments from their Medicaid programs after the initial termination decisions, and failing to repay what it received after the terminations were finally allowed to take effect. Texas joined in the case, while Louisiana did not.” [Reuters, [10/24/23](#)]

- **Planned Parenthood Continued To Lawfully Receive Reimbursements As Texas And Louisiana’s Decision To Kick The Healthcare Provider Off Their Medicaid Programs Was Heard On Appeal And Before The Bans Went Into Effect.** “That suit, now before Kacsmaryk and set for trial next year, could force Planned Parenthood to return the Medicaid reimbursements it got while the state’s attempts to deny Medicaid reimbursements to Planned Parenthood were still moving through the courts and before their removal went into effect.” [The New Republic, [10/25/23](#)]

Media Outlets Later Identified Anonymous Plaintiff As The California-Based, Anti-Abortion Group Center For Medical Progress, Which Launched A Deceptive Campaign Against Planned Parenthood More Than A Decade Ago

The Anonymous “Alex Doe” In The Texas Complaint Identified Themselves As A Resident Of California Who Conducted An “Undercover Investigation” Of Planned Parenthood From 2013 To 2015.

PARTIES

13. Relator Alex Doe is a citizen of the United States and a resident of the State of California. From 2013 to 2015, Relator conducted an extensive undercover investigation of Planned Parenthood, including its medical services, abortion

[Doe v. Planned Parenthood Federation of America, Inc., filed [2/5/21](#)]

Media Outlets Have Since Identified “Alex Doe” As Anti-Abortion Activist David Daleiden Of The Center For Medical Progress. “Any day now, the Trump-appointed, anti-abortion judge Matthew Kacsmaryk—who has tried to ban the abortion pill mifepristone—will rule in a lawsuit against Planned Parenthood Federation of America and three Texas affiliates. In Doe v. Planned Parenthood, the state of Texas and an anonymous plaintiff associated with the anti-abortion group Center for Medical Progress alleges that Planned Parenthood engaged in fraud when they filed Medicaid reimbursement claims for healthcare services they provided to thousands of people in Texas and Louisiana...In 2013, anti-abortion activist David Daleiden created the Center for Medical Progress (CMP) and a fake biomedical research company, Biomax Procurement Services, to pose as buyers of fetal tissue for research.” [Ms. Magazine, [8/3/23](#)]

Former Live Action Worker David Daleiden Founded The Center For Medical Progress. “Daleiden lists himself as the founder of the California-based Center for Medical Progress (CMP). He is also the man behind the camera in yesterday’s Planned Parenthood sting video, which purportedly showed a Planned Parenthood doctor discussing the sale of fetal body parts until the full video revealed that it was, in fact, a discussion of legal forms of fetal tissue donation. [...] In 2011, for instance, when Daleiden was still with the organization, Live Action actors went undercover as a pimp and a sex worker asking Planned Parenthood workers about abortion access for underage sex workers.” [Daily Beast, [4/14/17](#)]

- **Daleiden Is An Associate Of Live Action Founder Lila Rose.** “The group’s head is former Live Action worker David Daleiden, an associate not just of Lila Rose but apparently of James O’Keefe, who’s himself a machine for churning out sting videos attacking various liberal organizations and politicians. ” [Slate, [7/15/15](#)]

Daieiden And The Center For Medical Progress Gained Prominence By Creating Deceptively Edited Videos To Smear Planned Parenthood. “The anti-abortion group that released an undercover “sting” video of a Planned Parenthood doctor this week appears to be a dummy nonprofit that may have deceived the Internal Revenue Service and the public about its mission. The two-year-old Center for Medical Progress, which claims to be in the business of reporting on biomedical research, released undercover footage Tuesday of a Planned Parenthood doctor allegedly discussing the sale of fetal body parts after abortions. The video, which Planned Parenthood has denounced as misleading and heavily edited, was circulated widely and prompted House Republicans to launch an investigation into the family planning provider.” [Huffington Post, [7/17/15](#)]

- **The News Outlet Slate Characterized The Center For Medical Progress As A Front Organization Set Up By Live Action To Direct Media Attention Away From Live Action Upon The Release Of The Deceptive Videos.** “The amount of effort put into this elaborate kabuki is stunning—and confusing. Why not publish these videos under the Live Action name and let the Center for Medical Progress exist as nothing more than the phony organization created to trick Planned Parenthood? Live Action is a real organization with a real staff, and Live Action did all the promotion. It doesn’t seem to add up. But consider this: Making the video a CMP production instead of a Live Action joint means that Live Action’s name is dropped from much of the coverage.” [Slate, [7/15/15](#)]

2015: Center For Medical Progress Launched A Campaign Using Sting Videos To Frame Planned Parenthood As A “Criminal Baby Body Parts Enterprise,” Purporting To Show Daleiden Buying Recently-Aborted Tissue. “David Daleiden is the anti-abortion activist from California who, six years ago, released undercover videos accusing Planned Parenthood of running a “criminal baby body parts enterprise.” In these videos, released in the summer of 2015, Planned Parenthood doctors around the country were shown casually discussing fetal-tissue donation pricing and presenting Daleiden with the remains of a freshly aborted fetus, thinking he was a buyer with a biomedical company. The resulting blowback threatened to cost Planned Parenthood its federal funding. All of this went according to a plan that GOP lawmakers were in on from the start, determined to “permanently damage Planned Parenthood’s brand.”” [The Progressive, [4/27/21](#)]

- **The Videos Were Designed To “Permanently Damage Planned Parenthood’s Brand.”** “All of this went according to a plan that GOP lawmakers were in on from the start, determined to “permanently damage Planned Parenthood’s brand.”” [The Progressive, [4/27/21](#)]

The Center For Medical Progress’s Videos Were Quickly Determined To Be Misleading, Heavily Doctored, And Deceptively Edited—Daleiden Was Forced To Pay Millions To Planned Parenthood And Faced Criminal Charges In Some States. “The videos, as it turned out, were heavily doctored and swiftly discredited. Planned Parenthood was cleared of any wrongdoing, and authorities in two states ended up filing criminal cases against Daleiden, one later dismissed by a Texas judge and one still pending in California. But a civil jury in 2019 found that Daleiden and other activists affiliated with his anti-abortion group, the Center for Medical Progress, violated laws against racketeering, wiretapping, trespassing, and fraud. They were ordered to pay Planned Parenthood \$2.4 million in damages and \$13.8 million in attorneys fees and costs, money they still owe.” [The Progressive, [4/27/21](#)]

- **As A Part Of The Sting Videos, Daleiden Created A Fake LLC.** “As part of the sting operation, Daleiden also created a fake limited liability corporation (LLC) called Biomax Procurement Services in California, first filing paperwork in October 2013, so that he could pose as a biotech company interested in acquiring fetal tissue. The Planned Parenthood operation appears to have been years in the making.” [Daily Beast, [4/14/17](#)]

If The Lawsuit Against Planned Parenthood Succeeds, The Imposed Financial Penalty Could Bankrupt The Healthcare Provider’s Affiliates

Texas Is Seeking More Than \$1.8 Billion In Reimbursement, Penalties, And Fees, Which Could Bankrupt Planned Parenthood’s Affiliates In The State. “Last year, the state filed a

federal lawsuit claiming Planned Parenthood improperly billed Medicaid for \$10 million in payments during the period when the state was trying to remove the organization from the program. Texas is seeking more than \$1.8 billion in reimbursement, penalties and fees...The estimated \$1.8 billion payment would likely bankrupt Texas' three Planned Parenthood affiliates several times over at a moment the organization argues they are needed more than ever." [The Texas Tribune, [8/15/23](#)]

April 2021: A Coalition Of Republican-Led States Looking To Stop President Biden From Ending President Trump's "Remain In Mexico" Policy Filed Their Case In Amarillo, Texas

February 2021: The Biden Administration Ended The Trump-Era "Remain In Mexico" Policy

Upon Entering Office, The Biden Administration Suspended The Trump-Era "Remain In Mexico" Policy. "In another switch, the Department Homeland Security suspended the Trump administration's policy of sending people seeking asylum, from Honduras, El Salvador, and Guatemala, back across the border to Mexico, instead of allowing them to wait in the U.S. for their cases to be heard. From late January 2019 until the program was halted because of the Covid-19 pandemic, more than 68,700 people were shuttled back to Mexico under what the government called the Migrant Protection Program. Acting Solicitor General Elizabeth Prelogar asked the court to take both cases off the calendar and put further proceedings on hold. The border wall case was to be argued Feb. 22 with the "remain in Mexico" case to be heard a week later, on March 1. Both will probably be dismissed as moot, since the Biden Justice Department is unlikely to defend either facet of the Trump immigration policy." [NBC News, [2/2/21](#)]

- **The "Migrant Protection Protocols"—More Commonly Called "Remain In Mexico"—Was A Trump-Era Policy That Required Immigration Authorities To Send Single Asylum-Seekers From Central America Back To Mexico While Their Immigration Petition Was Pending.** "The Trump administration began implementing a new hard-line immigration policy by sending a single asylum-seeker from Central America back to Tijuana, Mexico, to await his assigned court date later this year in San Diego...Officially dubbed "Migrant Protection Protocols," the policy was announced by Homeland Security Secretary Kirstjen Nielsen last December. Administration officials initially called it a "Remain in Mexico" policy to deter the waves of asylum-seeking families fleeing mainly the Northern Triangle nations of Guatemala, El Salvador and Honduras." [NPR, [1/29/21](#)]

April 2021: Texas And Missouri Sued The Biden Administration Over Ending "Remain In Mexico" In Amarillo

April 13, 2021: Texas And Missouri Sued The Biden Administration For Ending The "Remain In Mexico" Policy.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION		
THE STATE OF TEXAS and)	
)	
THE STATE OF MISSOURI,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Case No. _____
)	
JOSEPH R. BIDEN, JR.,)	
in his official capacity as)	
President of the United States of)	
America;)	
)	
The UNITED STATES OF AMERICA;)	
)	

[The State of Texas et al. v. Joseph R. Biden, Jr., et al., [4/13/21](#)]

June 2021: The Biden Administration Formally Ended The “Remain In Mexico” Policy In A Memo. “A couple months later, Homeland Security Secretary Alejandro Mayorkas formally ended the policy in a June memo, and the administration later worked to admit those migrants who had been subject to it.” [CNN, [8/14/21](#)]

Judge Kacsmaryk Sided With Texas And Missouri In Their Case Against Biden, But The Supreme Court Ultimately Reversed Kacsmaryk’s Decision And Remanded The Case To Kacsmaryk’s Court

August 2021: Judge Kacsmaryk Sided With Texas And Missouri, Arguing That The Policy Change Violated The Administrative Procedure Act. “But late Friday, Judge Matthew Kacsmaryk, a Trump appointee, blocked the administration from implementing that memo, though he stayed his order for seven days “to allow the federal government time to seek emergency relief at the appellate level.” Kacsmaryk said that the Biden administration’s termination of the policy violated the Administrative Procedure Act, a law that dictates what procedures agencies must go through to implement certain policies. Specifically, the judge said that Mayorkas “failed to consider several of the main benefits of” the policy known as the Migrant Protection Protocols in his June memo, nor did he discuss the rise in border crossings.” [CNN, [8/14/21](#)]

June 2022: The Supreme Court Ultimately Ruled That The Biden Administration Had The Power To End The Policy. “The Supreme Court on Thursday cleared the way for the Biden administration to end the so-called “Remain in Mexico” policy, a program first implemented under President Donald Trump that required asylum-seekers to await their court hearings outside the U.S. In a 5-4 opinion written by Chief Justice John Roberts, the high court rejected arguments by Republican-led states seeking to force officials to keep the policy, ruling the decision to end it did not violate a 1996 migrant detention law and that a second memo terminating the program should have been considered by lower courts.” [CBS News, [6/30/22](#)]

Judge Kacsmaryk Heard The Case A Second Time And Again Ruled That The Biden Administration Should Keep The “Remain In Mexico” Policy In Place While Legal Challenges Played Out

December 2022: Judge Kacsmaryk Issued A Preliminary Injunction Against The Biden Administration, Again Finding That The Current Administration Likely Violated The Administrative Procedure Act By Ending The “Remain In Mexico” Policy. “But the Supreme Court also returned the case to lower courts for additional proceedings, tasking U.S. District Judge Matthew Kacsmaryk with determining whether the administration’s action was “arbitrary and capricious” in violation of the Administrative Procedure Act, which governs how federal agencies develop and issue regulations. Kacsmaryk ruled that the plaintiff in this case, Texas, met all requirements for a preliminary injunction to be issued: a likelihood to succeed on the merits of its argument, a likelihood of irreparable harm, the balance of equities tipping in its favor and the public interest being in favor. Kacsmaryk, who was appointed by former President Trump, found that the memo that the Biden administration issued in October 2021 failed to adequately include several considerations, including “key benefits” of the policy like the reduction of asylum claims without merit. He said in his ruling that the government also did not consider states’ costs and reliance interests in federal immigration policy.” [The Hill, [12/15/22](#)]

Mexico Ultimately Rejected Any Reinstatement Of The “Remain In Mexico” Policy

February 2023: As Legal Wrangling Over The “Remain In Mexico” Policy Continued, Mexico Announced That It Would Not Accept A Reinstatement Of The Policy, Effectively Ending The Policy. “Mexico’s Ministry of Foreign Affairs said Monday it rejects any effort to reimplement the controversial Trump-era policy known as “remain in Mexico” for asylum-seekers... ‘Regarding the possible implementation of this policy for the third time, the Ministry of Foreign Affairs, on behalf of the Government of Mexico, expresses its rejection of the U.S. government’s intention to return individuals processed under the program to Mexico,’ the statement said.” [ABC News, [2/7/23](#)]

August 2021: Stephen Miller’s Washington D.C.-Based America First Legal Foundation Backed Two Physicians In Amarillo Who Successfully Sued The Biden Administration For The Right To Discriminate Against LGBTQ Patients

May 2021: The Department Of Health And Human Services Said That Section 1557 Of The Affordable Care Act Prohibited Discrimination On The Basis Of Sexual Orientation Or Gender Identity

Section 1557 Of The Affordable Care Act Prohibits Discrimination On The Basis Of Race, Color, National Origin, Sex, Age, Or Disability In Healthcare. “Except as otherwise provided in Title I of the ACA, Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in a health program or activity, any part of which is receiving Federal financial assistance, including credits, subsidies, or contracts of insurance. Section 1557 also prohibits discrimination on the basis of race, color, national origin, sex, age, or disability under any program or activity that is administered by an Executive Agency, or any entity established under Title I of the ACA or its amendments. The statute cites Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), the

Age Discrimination Act of 1975 [4] (Age Act), and Section 504 of the Rehabilitation Act of 1973 (Section 504) to identify the grounds of discrimination prohibited by Section 1557.” [Federal Register, [8/4/22](#)]

May 2021: The Department Of Health And Human Services Notified The Public That It Would Begin Interpreting Section 1557 Of The Affordable Care Act As Prohibiting Discrimination On The Basis Of Sexual Orientation And Gender Identity In Line With The Supreme Court’s Ruling In *Bostok*. “HHS is informing the public that, consistent with the Supreme Court’s decision in *Bostock* and Title IX, beginning May 10, 2021, the Department of Health and Human Services (HHS) will interpret and enforce Section 1557’s prohibition on discrimination on the basis of sex to include: (1) Discrimination on the basis of sexual orientation; and (2) discrimination on the basis of gender identity.” [Federal Register, [5/10/21](#)]

- **In *Bostok v. Clayton County*, The Supreme Court Ruled That The Prohibition On “Sex” Discrimination Found In Title VII Of The Civil Rights Act Of 1964 Extended To Gay, Lesbian, Bisexual, And Transgender Individuals.** “Held: An employer who fires an individual merely for being gay or transgender violates Title VII. Pp. 4–33. (a) Title VII makes it ‘unlawful . . . for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual . . . because of such individual’s race, color, religion, sex, or national origin.’” [*Bostok v. Clayton County*, [6/15/20](#)]

Two Amarillo-Based Physicians—Backed By A D.C.-Based America First Legal Foundation—Sued The Biden Administration Hoping To Win The Right To Discriminate Against LGBTQ Individuals In The Provisioning Of Healthcare

Two Amarillo-Based Physicians Sued The Biden Administration In Federal Court In Amarillo. “On August 25, 2021 two doctors sued Secretary of Health and Human Services (HHS), Xavier Becerra, and the United States in the U.S.District Court for the Northern District of Texas to enjoin the HHS’ interpretation of sex discrimination to include discrimination on the basis of sexual orientation and gender identity.” [Civil Rights Litigation Clearinghouse, accessed [10/11/23](#)]

- **Dr. Susan Neese Is An Internal Medicine Specialist In Amarillo, Texas.** “Plaintiff Susan Neese, M.D., is an internal medicine specialist in Amarillo, Texas. She is affiliated with Baptist Saint Anthony’s Hospital, which receives federal money and is subject to section 1557.” [Susan Neese, et al. v. Xavier Becerra, et al., [8/25/21](#)]
- **Dr. James Hurly Is A Board-Certified Pathologist In Amarillo, Texas.** “Plaintiff James Hurly, M.D., is a board-certified pathologist in Amarillo, Texas. He is employed by the Amarillo Pathology Group, which receives federal money and is subject to section 1557.” [Susan Neese, et al. v. Xavier Becerra, et al., [8/25/21](#)]

The Washington D.C.-Based America First Legal Foundation Represented The Plaintiffs In The Case.

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[Susan Neese, et al. v. Xavier Becerra, et al., [8/25/21](#)]

- **The America First Legal Foundation Is A Nonprofit Law Firm Founded By Former Trump Adviser Stephen Miller.** “A conservative legal group led by former top Trump aide Stephen Miller has emerged as a frequent opponent to several Biden administration initiatives by mounting court challenges, succeeding in blocking policies they say are examples of reverse discrimination. Miller touts America First Legal as “the long-awaited answer to the (American Civil Liberties Union),” and his group has garnered several legal victories against the Biden administration in the past few weeks and months, most notably on issues of racial discrimination.” [CNN, [12/15/22](#)]

In His Judgment, Judge Kacsmaryk Outright Rejected The Supreme Court’s Precedent In Bostok And Ruled In Favor Of The Plaintiffs

November 2022: Kacsmaryk Wrote In His Judgment That “Section 1557 Of The ACA Does Not Prohibit Discrimination On Account Of Sexual Orientation And Gender Identity”—Flatly Disregarding The Supreme Court’s Decision In *Bostok v. Clayton County*.

2. The Court awards Plaintiffs and the certified class declaratory relief under 28 U.S.C. § 2201. The Court **DECLARES**:

- Plaintiffs and members of the certified class need not comply with the interpretation of “sex” discrimination adopted by Defendant Becerra in his Notification of Interpretation and Enforcement of May 10, 2021; and
- Section 1557 of the ACA does not prohibit discrimination on account of sexual orientation and gender identity, and the interpretation of “sex” discrimination that the Supreme Court of the United States adopted in *Bostock v. Clayton County*, 140 S. Ct. 1731 (2020), is inapplicable to the prohibitions on “sex” discrimination in Title IX of the Education Amendments of 1972 and in Section 1557 of the ACA.

[Susan Neese, et al. v. Xavier Becerra, et al., [11/22/22](#)]

The Case Is Currently Before The Fifth Circuit Court Of Appeal

January 2024: A Three-Judge Panel Heard An Appeal In Neese v. Becerra. “The Fifth Circuit on Monday appeared likely to end a suit over a Biden administration notice warning doctors that it will interpret Obamacare’s anti-bias provision as prohibiting discrimination based on transgender status. All three members of the panel—including Republican-appointees Edith H. Jones and Catharina Haynes—seemed skeptical of Susan Neese’s and James Hurly’s claim that they face a credible threat of enforcement as a result of the notice and, therefore, had standing to bring the pre-enforcement suit.” [Bloomberg Law, [1/8/24](#)]

- **A Final Ruling Is Pending As Of June 13, 2024.** [O’Neill Institute, Georgetown University Law Center, accessed [6/13/24](#)]

November 2022: The Anti-Abortion Group Alliance For Hippocratic Medicine Incorporated In Amarillo For The Sole Purpose Of Suing The Food And Drug Administration Over Its Decades-Old Approval Of The Abortion Pill Mifepristone—A Case That Is Now Before The Supreme Court

The Alliance For Hippocratic Medicine Is A Coalition Group Comprised Of Seven Anti-Abortion Organizations, Including An Anti-LGBTQ+ Hate Group Designated By The Southern Poverty Law Center

The Alliance For Hippocratic Medicine Opposes Abortion In All Forms. “Our values... Sanctity of life which is defined as beginning at fertilization and ending in natural death” [Alliance for Hippocratic Medicine, accessed [5/7/23](#)]

The Alliance For Hippocratic Medicine Also Opposes Transgender Medicine.” “Our values... Sanctity of the body asserting no difference between biological sex and gender except in the case of rare, diagnosable disorders of sexual development” [Alliance for Hippocratic Medicine, accessed [5/7/23](#)]

The Alliance For Hippocratic Medicine Is Composed Of Seven Partnering Organizations As Of May 2024.

Our Partnering Organizations



[Alliance for Hippocratic Medicine, accessed [6/13/24](#)]

- **The American College Of Pediatricians Is Considered An Anti-LGBTQ Hate Group By The Southern Poverty Law Center.** “The American College of Pediatricians (ACPed) is a fringe anti-LGBTQ hate group that masquerades as the premier U.S. association of pediatricians to push anti-LGBTQ junk science, primarily via far-right conservative media and filing amicus briefs in cases related to gay adoption and marriage equality.” [Southern Poverty Law Center, accessed [9/29/23](#)]

The Alliance For Hippocratic Medicine Incorporated In Amarillo, Texas In August 2022, Although Its Mailing Address Is In Tennessee

August 2022: The Alliance For Hippocratic Medicine Incorporated In Amarillo, Texas.



Franchise Tax Account Status
As of : 12/22/2022 08:53:10

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

ALLIANCE FOR HIPPOCRATIC MEDICINE	
Texas Taxpayer Number	32085759861
Mailing Address	2604 HIGHWAY 421 BRISTOL, TN 37620-9486
Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	08/05/2022
Texas SOS File Number	0804675645
Registered Agent Name	LEAH DAVIS
Registered Office Street Address	500 S. TAYLOR, SUITE 900 AMARILLO, TX 79101

[Texas, Office of the Comptroller, dated [12/22/22](#)]

- **The Alliance For Hippocratic Medicine Shares Its Address In Texas With The Law Offices Of Morgan Williamson, Which Specializes In Corporation Law.** “Corporation, Partnership And LLC Law...Morgan Williamson LLP Amarillo National Bank Plaza 2 Office 500 S. Taylor, Suite 900 Amarillo, TX 79101” [Morgan Williamson Attorneys at Law, accessed [12/19/23](#)]

In Its Most Recent Form 990 Submitted To The Internal Revenue Service, The Alliance For Hippocratic Medicine Listed Its Mailing Address, As Well As The Address Of Its Executive Director, As Being In Tennessee.

e-Postcard Worksheet		2022
Form 990-N	For calendar year 2022, or tax year beginning _____, and ending _____	
Name ALLIANCE FOR HIPPOCRATIC MEDICINE	Employer Identification Number 92-1316926	
Note: Form 990-N can ONLY be filed electronically, and is filed in lieu of Forms 990 or 990-EZ, if eligibility is met.		
The following items are required for a complete electronic submission:		
1. Employer identification number (EIN), also known as a Taxpayer Identification Number (TIN)	92-1316926	
2. Tax year	2022	
3. Legal name of organization	ALLIANCE FOR HIPPOCRATIC MEDICINE	
Mailing street address	2604 US HWY 421	
City or foreign province	BRISTOL	
State or foreign country code	TN	
Zip code	37620	
4. Any other names the organization uses (Doing Business As)		
5. Principal officer name	DONNA HARRISON	
Mailing street address	2604 US HWY 421	
Street address line 2	BRISTOL	
City	BRISTOL	
Foreign province	TN	
State or foreign country code	TN	
Zip code	37620	
6. Web site address if the organization has one	X	
7. Organization's annual gross receipts are normally \$50,000 or less	X	
8. Organization is terminated or in the process of termination	X	

[Alliance for Hippocratic Medicine, Form 990-N e-Postcard, [2022](#)]

- **The Address Provided In Bristol, Tennessee, Is That Of The Christian Medical And Dental Associations, An Alliance For Hippocratic Medicine Member.**

Our offices are open Monday through Thursday from 7:30 a.m. to 6 p.m. We are here to help you and we look forward to hearing from you.

<p>Contact Information</p> <p>Phone: 888-230-2637</p> <p>Fax: 423-844-1005</p> <p>Email: main@cmda.org</p>	<p>Mailing Address</p> <p>P.O. Box 7500</p> <p>Bristol, Tennessee 37621</p>
<p>Physical Address</p> <p>2604 U.S. Hwy 421</p> <p>Bristol, Tennessee 37620</p>	<p>Shipping Address</p> <p>504 Old Jonesboro Rd</p> <p>Bristol, Tennessee 37620</p>

[CMDA.org, accessed [1/17/24](#)]

By Incorporating In Amarillo, The Alliance For Hippocratic Medicine Ensured That Judge Kacsmaryk Would Hear Their Case

Alliance For Hippocratic Medicine's Incorporation Documents Suggested That They "Orchestrated To Land The Case Before Judge Matthew Kacsmaryk, A Trump-Appointed Darling Of The Far Right." "The incorporation documents, obtained from the Texas secretary of state, provide further evidence that the plaintiffs cherry-picked a court they believed would be amenable to their arguments, an act of forum shopping that was orchestrated to land the case before Judge Matthew Kacsmaryk, a Trump-appointed darling of the far right." [The Intercept, [02/28/23](#)]

- **Cases Filed In Amarillo, Texas Have “A 100 Percent Chance Of Having The Case Assigned To Judge Matthew Kacsmark.”** “It was filed in Amarillo. Why Amarillo? By filing there, Mr. Paxton had a 100 percent chance of having the case assigned to Judge Matthew Kacsmark — appointed to the bench by President Donald Trump in 2019 and a former deputy general counsel to the First Liberty Institute, which frequently litigates religious liberty cases before the Supreme Court.” [The New York Times, [02/05/23](#)]

November 2022: The Alliance For Hippocratic Medicine, Backed By The Alliance Defending Freedom, Sued The Food And Drug Administration Over Its Decades-Old Approval Of The Abortion Drug Mifepristone

November 18, 2022: The Alliance For Hippocratic Medicine Filed Its Lawsuit Against The Food And Drug Administration’s Approval Of Mifepristone.

Case 2:22-cv-00223-Z Document 1 Filed 11/18/22 Page 1 of 113 PageID 1	
<p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION</p>	
<p>ALLIANCE FOR HIPPOCRATIC MEDICINE, on behalf of itself, its member organizations, their members, and these members’ patients; AMERICAN ASSOCIATION OF PRO-LIFE OBSTETRICIANS AND GYNECOLOGISTS, on behalf of itself, its members, and their patients; AMERICAN COLLEGE OF PEDIATRICIANS, on behalf of itself, its members, and their patients; CHRISTIAN MEDICAL & DENTAL ASSOCIATIONS, on behalf of itself, its members, and their patients; SHAUN JESTER, D.O., on behalf of himself and his patients; REGINA FROST-CLARK, M.D., on behalf of herself and her patients; TYLER JOHNSON, D.O., on behalf of himself and his patients; and GEORGE DELGADO, M.D., on behalf of himself and his patients, Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>U.S. FOOD AND DRUG ADMINISTRATION; ROBERT M.</p>	<p>Case No. _____</p>

[Alliance for Hippocratic Medicine et al. v. U.S. Food and Drug Administration et al., filed [11/18/22](#)]

- **The Alliance For Hippocratic Medicine And Its Co-Plaintiffs Asked Judge Kacsmark To Withdraw The Food And Drug Administration’s 2000 Approval Of Mifepristone.**

PRAYERS FOR RELIEF

For these reasons, Plaintiffs respectfully request that the Court enter an order as to Defendants, including their employees, agents, successors, and all persons in active concert or participation with them.

A. Issue a preliminary and permanent injunction ordering Defendants to withdraw mifepristone and misoprostol as FDA-approved chemical abortion drugs and to withdraw Defendants' actions to deregulate these chemical abortion drugs.

B. Hold unlawful, set aside, and vacate the 2000 Approval.

[Alliance for Hippocratic Medicine et al. v. U.S. Food and Drug Administration et al., filed [11/18/22](#)]

The Alliance Defending Freedom Represents The Alliance For Hippocratic Medicine In Its Lawsuit Against The Food & Drug Administration.

Case 2:22-cv-00223-Z Document 9 Filed 11/30/22 Page 1 of 5 PageID 1887

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

Alliance for Hippocratic Medicine, et al.,
Plaintiff

v.

U.S. Food and Drug Administration, et al.,
Defendant

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Case No. 2:22-CV-00223-z

APPLICATION FOR ADMISSION PRO HAC VICE (Complete all questions; indicate "N/A" if necessary.)

I. Applicant is an attorney and a member of the law firm of (or practices under the name of)

Alliance Defending Freedom, with offices at

[Alliance for Hippocratic Medicine, et al. v. U.S. Food and Drug Administration, et al., filed [11/30/22](#)]

- **The Alliance Defending Freedom Is Known For Recruiting Clients Who Manufacture Grievances That The Organization Can Then Adopt As Causes To Champion Through The Courts.** "Others accuse A.D.F. of inventing grievances to blow up into causes. Smith, of 303 Creative, told me that her pastor had directed her to speak with A.D.F. before she even entered the business of making Web sites for weddings. And A.D.F. routinely sends out bulletins urging churches and ministries to be on the lookout for "sogis"—prohibitions of discrimination on the basis of sexual orientation and

gender identity. An A.D.F. legal guide warns churches that such prohibitions “are not designed for the innocent purpose of ensuring all people receive basic services”; rather, “their practical effect is to legally compel Christians to accept, endorse, and even promote messages, ideas, and events that violate their faith.” A.D.F. sometimes resembles a culture-war personal-injury firm; it even solicits clients with a catchy toll-free number, 1-800-tell-adf.” [The New Yorker, [10/2/23](#)]

- **The Alliance Defending Freedom Performs Pro Bono Legal Work For Conservative Causes It Supports.** “From the beginning, ADF has been an alliance-building organization. By uniting pastors, attorneys, ministry leaders, and other organizations who are dedicated to a common mission, ADF has achieved major victories for God’s kingdom. Today, ADF has more than 4,900 attorneys in our network. We have trained over 2,600 attorneys, and many of those attorneys have given back to ADF in large ways, donating over 1.1 million hours of pro bono (no cost) legal services, which are valued at more than \$230 million.” [Alliance Defending Freedom, [11/14/23](#)]

The Alliance Defending Freedom’s Campaign Against Mifepristone Predated The Alliance For Hippocratic Medicine’s Lawsuit

April 2013: The Alliance Defending Freedom Jointly Filed An Amicus Brief With The Supreme Court Arguing That Oklahoma Has The Right To Restrict The Use Of Mifeprex (Mifepristone) When The FDA Has Supposedly Failed To Protect Consumers. “While the FDA can make determinations about the effectiveness and safety of a drug, it is not equipped to police the off-label use of a drug it has approved. But the States are so empowered. Oklahoma, through its legislature, has the sovereign right to protect the health and safety of its citizens by restricting the use of Mifeprex to those circumstances where the FDA’s review and over a decade of experience shows the drug can be administered in a way that is relatively safe. Likewise, Oklahoma legislators were free to conclude, just as the FDA did, that regimens other than those approved by the FDA were insufficiently safe to permit because the potential benefit did not outweigh the risk.” [Terry Cline, *et al.* v. Oklahoma Coalition for Reproductive Justice, *et al.*, [4/8/13](#)]

- **The Supreme Court Never Heard This Case.** “In a per curiam opinion, the Court dismissed the case as improvidently granted.” [Oyez.org, accessed [12/19/23](#)]

September 2022: Denise Harle, Then The Senior Counsel And Director Of The Alliance Defending Freedom’s Center For Life, Wrote An Op-Ed For Newsweek Criticizing The Food & Drug Administration’s Regulation Of The Purportedly “Dangerous” Drug Mifepristone. “Despite being tasked with the critical duty of gatekeeping for drug safety, the FDA requires no reporting on non-fatal adverse events for the chemical-abortion drug mifepristone (also known as RU-486) even though, since its introduction to the market in 2000, it’s on the short list of drugs so dangerous that they warrant heightened regulations known as Risk Evaluation and Mitigation Strategies.” [Denise Harle Op-Ed, Newsweek, [9/16/22](#)]

- **The Current Vice President Of ADF’s Center For Life, Erin Morrow Hawley, Is Now The Lead Attorney In The Alliance For Hippocratic Medicine’s Lawsuit.** “The following quote may be attributed to Alliance Defending Freedom Senior Counsel Erin Hawley, vice president of the Center for Life and regulatory practice, regarding a brief in opposition ADF attorneys filed with the U.S. Supreme Court” [Alliance Defending Freedom, [11/9/23](#)]

April 2023: Judge Kacsmaryk Ruled In Favor Of The Alliance For Hippocratic Medicine And Stayed The FDA's Approval Of Mifepristone, But A Competing Ruling In Washington State Kept The Approval In Place

April 7, 2023: Judge Kacsmaryk Granted The Alliance For Hippocratic Medicine's Motion For Preliminary Injunction In Part.

MEMORANDUM OPINION AND ORDER

Before the Court is Plaintiffs' Motion for Preliminary Injunction ("Motion") (ECF No. 6), filed on November 18, 2022. The Court **GRANTS** the Motion **IN PART**.

[Alliance for Hippocratic Medicine, et al. v. U.S. Food and Drug Administration, et al., dated [4/7/23](#)]

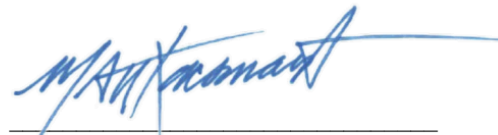
- **Kacsmaryk's Order Stayed The Food And Drug Administration's Approval Of Mifepristone.**

CONCLUSION

For the foregoing reasons, the Court **GRANTS** the Motion **IN PART**. FDA's approval of mifepristone is hereby **STAYED**. The Court **STAYS** the applicability of this opinion and order for seven (7) days to allow the federal government time to seek emergency relief from the United States Court of Appeals for the Fifth Circuit.

SO ORDERED.

April 7, 2023


MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE

[Alliance for Hippocratic Medicine, et al. v. U.S. Food and Drug Administration, et al., dated [4/7/23](#)]

A Competing Ruling Issued By A Federal Judge In Washington State On The Same Day Kept The Food And Drug Administration's Approval Of Mifepristone In Place. "Federal judges in Texas and Washington handed down two opposing rulings on the abortion pill mifepristone on Friday, jeopardizing access to the drug and putting the US Food and Drug Administration in an impossible situation. Matthew Kacsmaryk, a conservative federal district court judge in Texas, issued a long-awaited ruling Friday evening calling for the FDA to stay its approval of mifepristone, which has been deemed safe and legal for 23 years, while Thomas Rice, a federal court judge in Washington state, swiftly issued a directly contradictory decision...Kacsmaryk's order would have invalidated mifepristone's approval after a seven-day stay of the order to allow for potential emergency relief. But Rice's ruling further complicates Kacsmaryk's, since the FDA would be unable to fully comply with both orders at once." [Vox, [4/9/23](#)]

August 2023: A Panel On The Fifth Circuit Court Of Appeals Imposed “Unprecedented” Restrictions On The Abortion Pill Mifepristone When The Alliance For Hippocratic Medicine’s Lawsuit Was Appealed

August 2023: A Panel Of The Fifth Circuit Court Of Appeals Imposed Restrictions On Abortion Drug Mifepristone In The Case Brought By The Alliance For Hippocratic Medicine. “A federal appeals court on Wednesday imposed restrictions on the abortion pill mifepristone, though the ruling will not have an immediate impact on the medication’s availability. The U.S. Court of Appeals for the 5th Circuit ruled that several decisions the Food and Drug Administration took to make mifepristone more broadly available to women did not take safety concerns into account. [...] The three-judge panel at the 5th Circuit heard oral arguments in May from the FDA, mifepristone distributor Danco Laboratories and a group of anti-abortion doctors called the Alliance for Hippocratic Medicine.” [CNBC, [08/16/23](#)]

- **The Appeal Arose From A “Much Broader” Ruling Issued By Judge Matthew Kacsmaryk, Judge From The U.S. District Of The Northern District Of Texas.** “The case ended up in the 5th Circuit on appeal after U.S Judge Matthew Kacsmaryk of the Northern District of Texas issued a much broader ruling in April that suspended the FDA approval of mifepristone.” [CNBC, [08/16/23](#)]

The Fifth Circuit Decision Was Paused From Taking Effect Until The Supreme Court Decided The Case. “The ruling is paused from taking effect until the Supreme Court makes a decision about the case. The high court imposed the pause in April upon request from the Biden administration after lower courts had ruled against the pill in the spring.” [CNBC, [08/16/23](#)]

The Supreme Court Ultimately Rejected The Lower Courts’ Rulings

June 13, 2024: The Supreme Court Unanimously Ruled That The Plaintiffs In The Case Did Not Have Standing To Challenge The FDA’s Approval Of Mifepristone. “Held: Plaintiffs lack Article III standing to challenge FDA’s actions regarding the regulation of mifepristone... KAVANAUGH, J., delivered the opinion for a unanimous Court. THOMAS, J., filed a concurring opinion.” [FDA v. Alliance for Hippocratic Medicine, opinion of the Supreme Court, [6/13/24](#)]

January 2023: The Milwaukee-Based Wisconsin Institute For Law & Liberty Found An Individual In Amarillo, Texas, Willing To Sue The Bureau Of Alcohol, Tobacco, Firearms And Explosives In Order To Block A Federal Rule Regulating “Stabilizing Braces”

The Wisconsin Institute For Law & Liberty Is A 501(c)(3) A Public Interest Law Firm That Champions Right-Wing Causes

The Wisconsin Institute For Law & Liberty Is A Conservative Public Interest Law Firm Based In Milwaukee. “The Wisconsin Institute for Law & Liberty (WILL) is a 501(c)(3) nonprofit organization that participates in court cases it believes will uphold the rule of law, individual liberty, constitutional government, or civil society...Location: Milwaukee, Wis.” [Ballotpedia, accessed [8/23/23](#)]

- **The Wisconsin Institute For Law & Liberty Has Been Called “The ACLU Of Wisconsin’s Right.”** “The Wisconsin Institute for Law and Liberty (WILL) is the ACLU of Wisconsin’s Right.” [Bradley Impact Fund, accessed [6/13/24](#)]

The Wisconsin Institute For Law & Liberty Is An Affiliate Of The State Policy Network.

AFFILIATES

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Contact: Annette Olson



Wisconsin Institute for Law and Liberty

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Ave Suite 725 Milwaukee, WI 53202

Phone: 414-727-9455

Contact: Collin Roth



[State Policy Network, accessed [6/13/24](#)]

- **The State Policy Network Is Behind An Ongoing Effort To Restrict Voting In Key Swing States.** “As Republican legislatures across the country seek to usher in a raft of new restrictions on voting, they are being prodded by an array of party leaders and outside groups working to establish a set of guiding principles to the efforts to claw back access to voting...An internal document described a “two-year effort” to work closely with allies like American Legislative Exchange Council (known as ALEC) and the libertarian State Policy Network to ‘produce model legislation for state legislatures to adopt’ and hire lobbyists in “crucial states.” [The New York Times, [4/7/21](#)]

January 2023: Following Several Mass Shootings, The Bureau Of Alcohol, Tobacco, Firearms And Explosives Published A Final Rule Reclassifying Firearms Equipped With Stabilizing Braces As Rifles

Mass Shooters In Colorado And Ohio Used Stabilizing Braces On Their Firearms. “A man using a stabilizing brace on an AR-15 pistol killed 10 people at a grocery store in Boulder, Colorado. Another used one at a school in Nashville, Tennessee that killed three 9-year-old children and three school staff members. Stabilizing pistol braces also were used in mass shootings in Colorado Springs and in Dayton, Ohio.” [The Florida Times-Union, [5/29/23](#)]

January 13, 2023: The Bureau Of Alcohol, Tobacco, Firearms And Explosives Published Its Final Rule Reclassifying Most Firearms Equipped With Stabilizing Braces As “Rifles.”

“On January 13, 2023, the Attorney General signed ATF final rule 2021R-08F, “Factoring Criteria for Firearms with Attached ‘Stabilizing Braces,’” amending ATF’s regulations to clarify when a rifle is designed, made, and intended to be fired from the shoulder. The final rule was published in the Federal Register on January 31, 2023. The rule outlines the factors ATF would consider when evaluating firearms equipped with a purported “stabilizing brace” (or other rearward attachment) to determine whether these weapons would be considered a “rifle” or “short-barreled rifle” under the Gun Control Act of 1968, or a “rifle” or “firearm” subject to

regulation under the National Firearms Act. The rule's amended definition of "rifle" clarifies that the term "designed, redesigned, made or remade, and intended to be fired from the shoulder" includes a weapon that is equipped with an accessory, component, or other rearward attachment (e.g., a "stabilizing brace") that provides surface area that allows the weapon to be fired from the shoulder, provided other factors, as listed in the definition, indicate the weapon is designed and intended to be fired from the shoulder." [ATF, accessed [1/13/23](#)]

- **The Rule Would Compel Gun Owners Possessing A Firearm With A Stabilizing Brace To Remove The Brace, Register It, And Pay A Fee, Or Forfeit And Destroy The Firearm.** "Under this rule, guns with pistol braces designed to be fired from the shoulder would now be considered a short-barreled rifle regulated by the National Firearm Act. Gun owners possessing such firearms are now required to remove the brace, register it and pay a fee, or forfeit or destroy the firearm." [The Florida Times-Union, [5/29/23](#)]

January 2023: The Wisconsin Institute For Law & Justice Recruited An Associate In Amarillo, Texas, Who Sued The Bureau Of Alcohol, Tobacco, Firearms And Explosives To Block The New Rule Regulating Stabilizing Braces

Darren A. Britto Is A Resident Of Amarillo, Texas, And An Owner Of Firearms Equipped With Stabilizing Braces. "Plaintiff Darren A. Britto is a resident of Amarillo, Texas. Mr. Britto is a decorated Marine combat veteran, serving with distinction around the globe, including in Operation Desert Shield, Operation Desert Storm, Somalia, Afghanistan, and Iraq. Mr. Britto is a contributing writer for online Second Amendment-related publications. He owns a pistol with a stabilizing brace. This pistol has a barrel less than sixteen inches, thereby making it a "short barrel rifle" under the new rule. Mr. Britto uses this firearm for personal defense, competitive sport shooting, recreation with his family, and as part of his employment as a firearms instructor certified by the NRA and the State of Texas. Mr. Britto uses the stabilizing brace because it makes the firearm more accurate and therefore safer." [Britto et al v. Bureau of Alcohol, Tobacco, Firearms and Explosives, [1/31/23](#)]

Britto Is A Longtime Associate Of The Director Of External Affairs At The Wisconsin Institute For Law & Justice, Which Recruited Him To Be A Plaintiff In Its Lawsuit Before The New Rule On Stabilizing Braces Was Finalized. "My name is Darren Britto, and on Jan. 31, I became a litigant in a lawsuit against the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) filed with the United States District Court for the Northern District of Texas because of the ATF's arbitrary rule change regarding stabilizing braces for AR pistols...In a different life, over 20 years ago, the Director of External Relations for WILL and I were teammates on a Joint Task Force mission, and we've kept in touch ever since. WILL is a nonprofit conservative law firm based in Milwaukee, that litigates on behalf of civil rights causes – like my own – for free, thanks to their donors. Less than two weeks before the ATF registered its new rule on stabilizing braces, we were talking on the phone. My former teammate asked me if I was willing to put my money where my mouth was regarding my stance – and here we are." [Guns.com, [3/16/23](#)]

January 2023: Britto Became The Lead Plaintiff In A Lawsuit Challenging The New ATF Rule Regulating Stabilizing Braces.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DARREN A. BRITTO,
GABRIEL A. TAUSCHER,
and SHAWN M. KROLL,

Plaintiffs,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES,

Defendant.

COMPLAINT

[Britto et al v. Bureau of Alcohol, Tobacco, Firearms and Explosives, [1/31/23](#)]

Lawyers With The Wisconsin Institute For Law & Justice—Who Are Not Licensed To Practice Law In Texas—Represented Britto In The Case.

WISCONSIN INSTITUTE FOR
LAW & LIBERTY, INC.

Richard M. Esenberg (*pro hac vice forthcoming*)

Daniel P. Lenington (*pro hac vice forthcoming*)

Lucas T. Vebber (*pro hac vice forthcoming*)

330 East Kilbourn Avenue, Suite 725

Milwaukee, WI 53202

Telephone: (414) 727-9455

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Rick@will-law.org

Dan@will-law.org

Lucas@will-law.org

[Britto et al v. Bureau of Alcohol, Tobacco, Firearms and Explosives, [1/31/23](#)]


May 2023: Judge Kacsmaryk Issued A Preliminary Injunction In Favor Of The Plaintiffs In The Case

May 31, 2023: Judge Kacsmaryk Issued A Preliminary Injunction In Favor Of The Plaintiffs In The Case.

subsequent clarification order.¹ Accordingly, the Court **GRANTS IN PART** the Motion and issues a preliminary injunction as to the Plaintiffs in this case only, pending resolution of the expedited appeal of *Mock*. The Court may order additional briefing at a later date in accordance with the Fifth Circuit's decision.

SO ORDERED.

May 31, 2023


MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE

[Britto et al v. Bureau of Alcohol, Tobacco, Firearms and Explosives, [5/31/23](#)]

November 2023: Judge Kacsmark Issued A Nationwide Injunction But Later Stayed His Ruling Pending Appeal


November 8, 2023: Judge Kacsmark Enjoined the Rule “In Its Entirety.”

CONCLUSION

For the foregoing reasons, the Court **GRANTS** the Motion and **STAYS** the Rule in its entirety. *See* 5 U.S.C § 705; *Texas v. EPA*, 829 F.3d 405, 435 (5th Cir. 2016).

SO ORDERED.

November 8, 2023


MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE

[Britto et al v. Bureau of Alcohol, Tobacco, Firearms and Explosives, [11/8/23](#)]

January 11, 2024: Judge Kacsmark Stayed His Ruling While The Case Was Being Appealed In The Fifth Circuit.

ORDER

Before the Court is the parties' Joint Motion to Stay District Court Proceedings Pending Appeal (“Joint Motion”) (ECF No. 71), filed December 8, 2023. For the following reasons, the Motion is **GRANTED**.

[Britto et al v. Bureau of Alcohol, Tobacco, Firearms and Explosives, [1/11/24](#)]

January 2023: Utah, Backed By Texas And 22 Other States As Well As Big Oil, Sued In Amarillo To Stop A Rule Promoting Environmental, Social, And Governance (ESG) Investing, A Case That They Ultimately Lost In District Court

The Biden Administration Issued A Rule In 2021 Making It Easier For Retirement Plans To Incorporate Environmental, Social, And Governance (ESG) Investing In Their Strategy

January 2023: The Biden Administration Issued A Rule Clarifying That Investment Plans Could Consider Environmental, Social, And Governance (ESG) Factors While Still Upholding Their Fiduciary Duties To Shareholders. “On November 22, 2022, the US Department of Labor (DOL) released a final rule (Final Rule) 1 amending its “Investment Duties” regulation (29 CFR § 2550.404a-1) to clarify the application of the fiduciary responsibility duties under the Employee Retirement Income Security Act of 1974, as amended (ERISA), to the selection of plan investments that consider climate change and other environmental, social, and governance (ESG) factors.” [Latham & Watkins, [1/24/23](#)]

Utah And 24 Other States, Including Texas, Sued In Amarillo, Texas, To Stop The New ESG Rule

January 2023: Utah And 24 Other States Sued To Block The New ESG Rule.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION	
STATE OF UTAH; STATE OF TEXAS; COMMONWEALTH OF VIRGINIA; STATE OF LOUISIANA; STATE OF ALABAMA; STATE OF ALASKA; STATE OF ARKANSAS; STATE OF FLORIDA; STATE OF GEORGIA; STATE OF INDIANA; STATE OF IDAHO; STATE OF IOWA; STATE OF KANSAS; COMMONWEALTH OF KENTUCKY; STATE OF MISSISSIPPI; STATE OF MISSOURI; STATE OF MONTANA; STATE OF NEBRASKA; STATE OF NEW HAMPSHIRE; STATE OF NORTH DAKOTA STATE OF OHIO; STATE OF SOUTH CAROLINA; STATE OF TENNESSEE; STATE OF WEST VIRGINIA; STATE OF WYOMING; LIBERTY ENERGY INC.; LIBERTY OILFIELD SERVICES LLC; WESTERN ENERGY ALLIANCE; and JAMES R. COPLAND, <i>Plaintiffs,</i>	No. 23-cv-_____

[State of Utah et al. v. Martin J. Walsh et al., [9/21/23](#)]

- **The Co-Plaintiffs Also Included An Oil Company, An Energy Trade Association, And A Senior Fellow At The Right-Wing Think Tank The Manhattan Institute.** “The plaintiffs include Texas, Florida and West Virginia, as well as oilfield services firm Liberty Energy; Western Energy Alliance, an oil and natural gas trade association; and James R. Copland, a senior fellow at the Manhattan Institute who is a participant in a retirement plan subject to ERISA.” [Roll Call, [2/2/23](#)]

Although “Sympathetic” To The Republican States’ Argument, Judge Kacsmaryk Ruled Against Them Based On Precedent

September 2023: Judge Kacsmaryk Granted Summary Judgment In Favor Of The Defendants In The State Case Challenging The ESG Rule.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION	
STATE OF UTAH, <i>et al.</i> , Plaintiffs, v. MARTIN J. WALSH, SECRETARY OF LABOR, <i>et al.</i> , Defendants.	2:23-CV-016-Z
MEMORANDUM OPINION AND ORDER	
<p>Before the Court are parties’ competing motions for summary judgment. Plaintiffs filed their Motion for Summary Judgment (“Motion”) (ECF No. 92), on May 16, 2023. Defendants filed their Cross-Motion for Summary Judgment (“Cross-Motion”) (ECF No. 94), on June 2, 2023. Having considered the motions, pleadings, and relevant law, the Court DENIES the Motion and GRANTS the Cross-Motion.</p>	

[State of Utah, et al. v. Martin J. Walsh, et al., [9/21/23](#)]

- **Kacsmaryk Wrote That “While The Court Is No Unsympathetic To Plaintiffs’ Concerns Over ESG Investing Trends,” He Could Not Find That The Rule Violated The Administrative Procedure Act.** “For all these reasons, the Rule does not violate the APA. And while the Court is not unsympathetic to Plaintiffs’ concerns over ESG investing trends, it need not condone ESG investing generally or ultimately agree with the Rule to reach this conclusion.” [State of Utah, et al. v. Martin J. Walsh, et al., [9/21/23](#)]

June 2023: A Group Of Noted Anti-Vaxxers Incorporated A Nonprofit Organization In Amarillo And Then Sued The Centers For Disease Control In Order To Access V-Safe, The CDC's COVID-19 Vaccine Safety Monitoring System

The Freedom Coalition Of Doctors For Choice Incorporated In Amarillo, Texas, In January 2023

January 2023: The Freedom Coalition Of Doctors For Choice Incorporated In Amarillo, Texas.

FREEDOM COALITION OF DOCTORS FOR CHOICE	
Texas Taxpayer Number	32088148757
Mailing Address	600 S TYLER ST STE 2100 AMARILLO, TX 79101-2304
? Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	01/26/2023
Texas SOS File Number	0804899545
Registered Agent Name	REGISTERED AGENTS INC.
Registered Office Street Address	5900 BALCONES DRIVE STE 100 AUSTIN, TX 78731

[Texas Comptroller of Public Accounts, accessed [10/12/23](#)]

The Freedom Coalition Of Doctors For Choice Says Its Sole Purpose Is To Obtain And Disseminate Data From The Centers For Disease Control's V-Safe Database, Its COVID-19 Vaccine Safety Monitoring System

The Freedom Coalition Of Doctors For Choice Stated That It “Exists For The Sole Purpose Of Obtaining And Disseminating To The Public The Data From The Free-Text Fields In The CDC's V-Safe Database.” “Freedom Coalition of Doctors for Choice is a nonprofit that exists for the sole purpose of obtaining and disseminating to the public the data from the free-text fields in the CDC's v-safe database.” [Freedom Coalition of Doctors for Choice, accessed [10/12/23](#)]

- **The V-Safe Database Is A Repository Of Health Surveys Completed By More Than 151 Million Individuals Who Received The COVID-19 Vaccine.** “V-safe was developed specifically for COVID-19 vaccines and has been an essential component of the pandemic vaccine safety monitoring systems that have successfully characterized the safety of the COVID-19 vaccines used in the United States. CDC is developing a new version of v-safe which will allow users to share their post-vaccination experiences with new vaccines...Since its launch in December 2020, 10.1 million v-safe participants

completed more than 151 million health surveys about their experiences following COVID-19 vaccination, and v-safe data have been included in more than 20 scientific publications.” [Centers for Disease Control and Prevention, accessed [10/12/23](#)]

Some Of Its Members Of The Freedom Coalition Of Doctors For Choice Have Used Their Platforms To Spread Misinformation About COVID-19

Carole Browner And Harvey Risch Are Among The 91 Members Of The Freedom Coalition Of Doctors For Choice. “Current members...Carole Browner, MPH, PhD, UCLA School of Medicine...Harvey Risch, MD, PhD...” [Doctors for Freedom of Choice, accessed [10/12/23](#)]

- **Carole Browner Is A Medical Anthropologist And Professor At The University Of California, Los Angeles.** “I am a Professor in the UCLA Department of Anthropology, the Department of Women’s Studies, and the Center for Culture and Health, within the David Geffen School of Medicine’s NPI-Semel Institute for Neuroscience and Human Behavior.” [University of California, Los Angeles, accessed [10/12/23](#)]
- **Harvey Risch Is Professor Emeritus Of Epidemiology In The Department Of Epidemiology And Public Health At The Yale School Of Public Health And Yale School Of Medicine.** “Dr. Harvey Risch is Professor Emeritus of Epidemiology in the Department of Epidemiology and Public Health at the Yale School of Public Health and Yale School of Medicine.” [Yale School of Public Health, accessed [10/12/23](#)]

Harvey Risch Has Argued That COVID Vaccines Have A “Negative Benefit” Over Time. “The vaccines only make a very narrow range of antibodies to the spike protein,” compared to the broader exposure experienced when one gets infected, Risch, an epidemiology professor at the Yale School of Public Health, told EpochTV’s “American Thought Leaders.” “The problem with that is, of course, that when the spike protein changes because of new strains of the virus, the ability of the immune system to make antibodies that correlate to the new strains becomes reduced to the point where it may be almost ineffective over longer periods of time,” he said. That leads to the antibodies being triggered by the vaccines not binding strongly enough to neutralize. “What that means is they become interfering antibodies, instead of neutralizing antibodies,” Risch said. “And that’s the reason I believe that we’ve seen what’s called negative benefit—negative vaccine efficacy over longer time—over four to six to eight months after the last vaccine dose, that one sees the benefit of the vaccines turn negative.” [Epoch Times, [7/26/22](#)]

- **A 2023 Study Published In The International Journal Of Infectious Diseases Postulated That Alleged “Negative Vaccine Effectiveness” Likely Stems From Researchers’ Biases.** “Since the emergence of the SARS-CoV-2 Omicron variant, multiple observational studies have reported negative vaccine effectiveness (VE) against infection, symptomatic infection, and even severity (hospitalization), potentially leading to an interpretation that vaccines were facilitating infection and disease. However, current observations of negative VE likely stem from the presence of various biases (e.g., exposure differences, testing differences).” [National Institutes of Health, [3/27/23](#)]

Harvey Risch Has Suggested—With Scant Evidence—That COVID Vaccines May Be Causing A Increased Incidence Of Cancers. “There is evidence that cancers are occurring in excess after people receive COVID-19 vaccinations, according to Dr. Harvey Risch...Dr. Risch said that in his opinion, cancer is something a healthy human body can fight and disable, as the

non-normal cancerous cells are gobbled up when detected in a body with a functional immune system. If the immune system is compromised, however, it cannot cope with the task of neutralizing cancerous cells, and cancerous cells are left to multiply and grow, leading to symptoms of cancer. ‘That’s the mechanism I think is most likely here,’ Dr. Risch said. ‘We know that the COVID vaccines have done various degrees of damage to the immune system in a fraction of people who have taken them.’” [The Epoch Times, [9/20/23](#)]

Carole Browner And Harvey Risch Were Part Of Public Health And Medical Professionals For Transparency, Which Sued The Food & Drug Administration To Retrieve Data Concerning The Pfizer And BioNTech Vaccine. “The Food and Drug Administration is asking a judge to give it 75 years to produce data concerning the Pfizer and BioNTech vaccine, up 20 years from a previous request...The case was brought on behalf of the Public Health and Medical Professionals for Transparency, which stated that the FDA wasn’t complying with its request for data in a timely manner. The group includes Dr. Carole Browner, a research professor at the University of California–Los Angeles’s David Geffen School of Medicine; Peter Doshi, an associate professor at the University of Maryland School of Pharmacy, and Dr. Harvey Risch, a professor of epidemiology at the Yale School of Public Health.” [Epoch Times, [12/10/21](#)]

- **Other Members Of Public Health And Medical Professionals For Transparency Are Noted Anti-Vaxxers.** “It’s worth noting that while Campbell calls the people who have joined PHMPT “prestigious” and “highly qualified,” the list is primarily notable for its inclusion of multiple individuals who have made dubious claims about COVID-19 or the vaccines. Among several others, the list of signatories includes Idaho pathologist Dr. Ryan Cole, who has baselessly said that the vaccines cause cancer, and Dr. Stella Immanuel, who has falsely promoted hydroxychloroquine as a COVID-19 “cure” and has previously claimed that some medicines are made of space alien DNA.” [Factcheck.org, [3/18/22](#)]
- **Documents Received Through This Public Records Request Fueled Conspiracy Theories Around COVID-19 Vaccines.** “Some of the misleading online claims also center around how the Pfizer document was obtained and suggest there was a government cover-up, so we’ll provide some background on the topic...The document was released by the FDA in response to a Freedom of Information Act request from Public Health and Medical Professionals for Transparency. The group asked the FDA for all of its documents related to the Pfizer/BioNTech COVID-19 vaccine — or around 329,000 pages, plus other files — four days after the agency gave full approval to the vaccine...PHMPT then posted the documents on its website. Shortly thereafter, misleading or false claims began circulating online about the safety of the Pfizer/BioNTech vaccine using the documents, which our colleagues at Health Feedback have also addressed.” [Factcheck.org, [3/18/22](#)]

The Freedom Coalition Of Doctors For Choice Sued The Centers For Disease Control And Prevention To Gain Access To The V-Safe Database In Amarillo Federal Court

June 2023: The Freedom Coalition Of Doctors For Choice Sued The Centers For Disease Control And Prevention In Amarillo, Texas.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

FREEDOM COALITION OF DOCTORS FOR
CHOICE,

Plaintiff,

v.

CENTERS FOR DISEASE CONTROL AND
PREVENTION, AND U. S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Defendants.

Civil Action No. 2:23-cv-00102

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff, as for its Complaint regarding a Freedom of Information Act request, alleges as follows:

[Freedom Coalition of Doctors for Choice v. Centers for Disease Control and Prevention et al.,
[6/16/23](#)]

Kacsmayk Granted The Freedom Coalition Of Doctors For Choice's Motion For Summary Judgment And Ordered The CDC To Produce Responsive Documents By January 2025

January 5, 2024: Judge Kacsmayk Granted Freedom Coalition Of Doctors For Choice's Motion For Summary Judgement.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

FREEDOM COALITION OF
DOCTORS FOR CHOICE,

Plaintiff,

v.

CENTERS FOR DISEASE CONTROL
AND PREVENTION, *et. al.*,

Defendants.

2:23-CV-102-Z

MEMORANDUM ORDER AND OPINION

Before the Court is Plaintiff's Motion for Summary Judgment (ECF No. 8) ("Motion") and Defendants' Cross Motion for Summary Judgment (ECF No. 27) ("Cross Motion"). For the following reasons, the Motion is **GRANTED** and the Cross Motion is **DENIED**.

[Freedom Coalition of Doctors for Choice v. Centers for Disease Control and Prevention et al.,
[1/5/24](#)]

**Judge Kacsmaryk Ordered The CDC To Produce Data From The V-Safe Database
According To A Timetable That He Established.**

- Defendants are **ORDERED** to comply with the below-listed *minimum* production schedule:

[...]

DUE-BY DATE	TERM MINIMUM	CUMMULATIVE MINIMUM
February 15, 2024	390,000	390,000
March 15, 2024	390,000	780,000
*April 15, 2024	390,000	1,170,000
May 15, 2024	650,000	1,820,000
June 15, 2024	650,000	2,470,000
*July 15, 2024	650,000	3,120,000
August 15, 2024	780,000	3,900,000
September 15, 2024	780,000	4,680,000
*October 15, 2024	780,000	5,460,000
November 15, 2024	780,000	6,240,000
December 15, 2024	780,000	7,020,000
*January 15, 2025	780,000	7,800,000

[Freedom Coalition of Doctors for Choice v. Centers for Disease Control and Prevention et al.,
[1/5/24](#)]

An Attorney For The Freedom Coalition Of Doctors For Choice Told A Reporter That The Group Would Disband Once The Lawsuit Concluded

Christopher Wiest Represented The Freedom Coalition Of Doctors For Choice.

Christopher Wiest*
Chris Wiest, Atty at Law, PLLC
25 Town Center Boulevard, Suite 104
Crestview Hills, KY 41017
(513) 257-1895 (c)
(859) 495-0803 (f)
chris@cwiestlaw.com

** pro hac vice application forthcoming*

Attorneys for Plaintiff

[Freedom Coalition of Doctors for Choice v. Centers for Disease Control and Prevention et al., [6/16/23](#)]

Christopher Wiest Told Bloomberg Law That The Coalition Would “Dissolve” Once The Government Produced The V-Safe Data. “When the production by the government is done, that organization will dissolve,” said Christopher Wiest, an attorney for the coalition.” [Bloomberg Law, [5/9/24](#)]

November 2023: A Coalition Of Attorneys General From Missouri, Kansas, And Idaho Filed A Motion To Intervene In The Ongoing Mifepristone Case

November 2023: The Attorneys General From Missouri, Kansas, And Idaho Filed A Motion To Intervene Regarding Mifepristone In Kacsmark’s Court. “That fact may explain why, on Friday, Nov. 3, the Republican attorneys general from Missouri, Kansas, and Idaho filed a motion to intervene in Judge Matthew Kacsmark’s court, claiming their states are also being injured by the approval of the abortion pill back in 2000.” [Slate, [11/17/23](#)]

January 2024: Judge Kacsmark Said That The States Had A Right To Intervene In The Case, Rejecting The FDA’s Argument That The States Waited Too Long. “Three Republican-led states can join in a lawsuit seeking to restrict the availability of the abortion pill mifepristone, a federal judge in Texas ruled Friday, threatening to complicate a closely watched case the U.S. Supreme Court has already agreed to review. U.S. District Judge Matthew Kacsmark in Amarillo said that Idaho, Missouri and Kansas, opens new tab had a right to intervene in the case, which was originally filed against the U.S. Food and Drug Administration by anti-abortion groups, rejecting the FDA's argument that the states had waited too long.” [Reuters, [1/12/24](#)]

- **The Ruling Would Allow The States To Try To Continue The Litigation If The Supreme Court Found The Anti-Abortion Groups In The Original Lawsuit Had No**

Standing. “The ruling means that, even if the Supreme Court finds that the anti-abortion groups behind the original lawsuit have no legal standing to sue — a key issue in the case — the states could try to continue the litigation.” [Reuters, [1/12/24](#)]

The Supreme Court Justices Initially Denied A Request To Intervene In The Lawsuit, But If The Case Was Sent Back To Texas, The States Could Try To Revive The Litigation. “The justices denied a request by Missouri, Kansas and Idaho to intervene in the lawsuit. But Kacsmayk had already separately allowed them to join the litigation as plaintiffs in District Court. That means that if the Supreme Court sends the case back to Texas, saying the anti-abortion doctors don’t have standing to sue, the states could quickly try to revive the litigation.” [Washington Post, [6/4/24](#)]

The Supreme Court Ultimately Remanded The Case To The Lower Court On June 13, 2024. “Held: Plaintiffs lack Article III standing to challenge FDA’s actions regarding the regulation of mifepristone... 78 F. 4th 210, reversed and remanded. KAVANAUGH, J., delivered the opinion for a unanimous Court. THOMAS, J., filed a concurring opinion.” [FDA v. Alliance for Hippocratic Medicine, opinion of the Supreme Court, [6/13/24](#)]

April 2024: A Farmer In North Texas Backed By Two Out-Of-State Conservative Legal Foundations Sued The Department Of Agriculture Over The Disbursement Of Disaster Assistance And Pandemic-Related Relief

Since 2020, Congress Has Appropriated Billions To The United States Department Of Agriculture (USDA) To Implement Disaster Assistance Programs And COVID-Related Relief

Since 2020, Congress Has Appropriated \$24.9 Billion To The U.S. Department Of Agriculture To Implement Disaster Assistance Programs And COVID-Related Relief. “The Plaintiffs note that over the past four years, Congress appropriated \$13.7 billion to USDA to implement crop and livestock disaster assistance and nearly \$11.2 billion to implement disaster assistance programs for coronavirus-related relief.” [Texas A&M Agrilife Extension, [4/29/24](#)]

Two Conservative Legal Foundations Based In Colorado And Georgia Backed A Farmer In The Amarillo Area Who Sued The USDA, Arguing That The Department Was Unlawfully Providing Assistance Based On Race And Sex

March 29, 2024: Four Farmers Sued The U.S. Department Of Agriculture.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

RUSTY STRICKLAND,)	
ALAN AND AMY WEST FARMS,)	
ALAN WEST,)	
AMY WEST,)	
DOUBLE B FARMS, LLC, and)	
BRYAN BAKER,)	
Plaintiffs,)	
v.)	Case No. 2:24-cv-60
THE UNITED STATES DEPARTMENT OF)	
AGRICULTURE,)	
THOMAS J. VILSACK, in his official)	
capacity as Secretary of the United States)	
Department of Agriculture,)	
ZACH DUCHENEAUX, in his official)	
capacity as Administrator of the Farm Service)	
Agency, and)	
THE UNITED STATES OF AMERICA,)	
Defendants.)	

[Rusty Strickland, et al. v. The United States Department Of Agriculture, filed [3/29/24](#)]

The Plaintiffs Alleged That In Handing Out The Appropriated Funds, The Department Of Agriculture Illegally Prioritized Women And Farmers Of Color. “Unfortunately, USDA made the decision—despite a lack of congressional authorization—to base the amount of financial assistance provided by the programs on race and sex. 7. Indeed, the relevant portions of the appropriations bills never mention race or sex. Yet, when providing nearly \$25 billion in relief, USDA factored it in anyway. 8. First, USDA created a category of farmers defined strictly by race and sex. It called these farmers “socially disadvantaged.” USDA considers the following groups to be socially disadvantaged: (1) American Indians or Alaskan Natives; (2) Asians or Asian-Americans; (3) blacks or African-Americans; (4) Hispanics or Hispanic-Americans; (5) Native Hawaiians or other Pacific Islanders; and (6) women. 9. Then, in each of the programs, USDA used two different methods for calculating the amount and type of financial assistance for farmers.” [Rusty Strickland, et al. v. The United States Department Of Agriculture, filed [3/29/24](#)]

The Plaintiffs Were Backed By The Mountain State Legal Foundation And The Southeastern Legal Foundation. “Southeastern Legal Foundation (SLF) and Mountain States represent Rusty, Alan, and Bryan as they sue the Biden Administration’s USDA.” [Mountain State Legal Foundation, accessed [5/7/24](#)]

- **The Mountain State Legal Foundation Is Based In Colorado.** “Mountain States Legal Foundation 2596 South Lewis Way Lakewood, CO 80227” [Mountain State Legal Foundation, accessed [5/7/24](#)]
- **The Southeastern Legal Foundation Is Based In Georgia.** “Southeastern Legal Foundation 560 West Crossville Rd., Suite 104 Roswell, Georgia 30075” [Southeastern Legal Foundation, accessed [5/7/24](#)]

Only One Of The Plaintiffs Resided In The Amarillo Division Of The Northern District Of Texas. “Venue is appropriate in this district under 28 U.S.C. § 1391(e)(1) because a substantial

part of the events giving rise to this claim occurred in this district and a plaintiff resides in this district.” [Rusty Strickland, et al. v. The United States Department Of Agriculture, filed [3/29/24](#)]

Kacsmarky Has Yet To Rule On The Case As Of June 2024

Jude Matthew Kacsmarky Had Yet To Rule On The Case Against The USDA. [Justia, accessed [6/13/24](#)]

April 2024: Texas—Backed By The America First Legal Foundation—Sued The U.S. Department Of Education In Amarillo After The Department Expanded The Scope Of Title IX To Protect LGBTQ+ Students

April 2024: The Biden Administration Issued New Rules Broadening The Scope Of Title IX In Order To Protect LGBTQ+ Students

Title IX Of The Education Amendments Of 1972 Protects People From Discrimination Based On Sex In Education Programs And Activities That Receive Federal Financial Assistance. “The U.S. Department of Education’s Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” [U.S. Department of Education, accessed [5/7/24](#)]

April 19, 2024: The U.S. Department Of Education Released Its Final Rule Extending Title IX’s Prohibition On Sex Discrimination To Include Discrimination Based On Sexual Orientation And Gender Identity. “Even if these amendments are not strictly required to effectuate the prohibition, the Department has, in the exercise of its discretion, determined that they further Title IX’s prohibition on sex discrimination. The Department therefore issues these final regulations to provide greater clarity regarding: the definition of “sexbased harassment”; the scope of sex discrimination, including recipients’ obligations not to discriminate based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and recipients’ obligations to provide an educational environment free from discrimination on the basis of sex.” [U.S. Department of Education, [4/19/24](#)]

Texas Refused To Comply With The New Rule And Chose To Sue The Department Of Education In Amarillo

After The U.S. Department Of Education Issued Its New Rule On Title IX, Texas Governor Greg Abbott Ordered The Texas Education Agency To Ignore It. “Gov. Greg Abbott ordered the Texas Education Agency on Monday to ignore a Biden administration rule that expanded federal sex discrimination protections to include LGBTQ+ students.” [Texas Tribune, [4/29/24](#)]

April 29, 2024: Texas Sued The U.S. Department Of Education In Amarillo Federal Court.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS,

Plaintiff,

v.

THE UNITED STATES OF AMERICA;
MIGUEL CARDONA, in his official
capacity as Secretary of Education;
UNITED STATES DEPARTMENT OF
EDUCATION; CATHERINE LHAMON, in
her official capacity as Assistant Secretary
for Civil Rights, Department of Education;
RANDOLPH WILLS, in his official capacity
as Deputy Assistant Secretary for
Enforcement, Department of Education,

Defendants.

No. _____

[State of Texas v. The United States of America et al., filed [4/29/24](#)]

- **Texas Asked The Court To Declare The Final Rule As Contrary To Title IX And Set It Aside.** “This Court is authorized to award the requested vacatur and declaratory and injunctive relief under the APA, 5 U.S.C. §§ 702, 705, and 706; 28 U.S.C. § 1361; the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202; Federal Rules of Civil Procedure 57 and 65; and the general and legal equitable powers of the Court. For these reasons, Texas respectfully requests that the Court: i. Postpone the effective date of the Final Rule under 5 U.S.C. § 705 and hold unlawful and set aside (i.e., vacate) the Final Rule under 5 U.S.C. § 706(2); ii. Declare that the Final Rule is contrary to Title IX and exceeds agency authority...” [State of Texas v. The United States of America et al., filed [4/29/24](#)]

Texas Could Have Filed Its Lawsuit In 27 Other Divisions Of Texas’s Four Federal Court Districts. “Texas is divided into four judicial districts to be known as the Northern, Southern, Eastern, and Western Districts of Texas...The Northern District comprises seven divisions...The Southern District comprises seven divisions...The Eastern District comprises seven divisions...The Western District comprises seven divisions.” [Legal Information Institute, accessed [5/7/24](#)]

Texas’s Lawsuit Was Backed by The Washington D.C.-Based America First Legal Foundation

Gene Hamilton Of The American First Legal Foundation Joined Texas In Submitting Its Lawsuit.

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May 2024: In An Amended Complaint, Two University Of Texas Professors—Backed By The America First Legal Foundation— Sued The Federal Government Over Its Recently Revised Title IX Rules Saying They Would Not Excuse Abortion-Related Class Absences

April 2024: Revised Title IX Regulations Expanded Protections, Including Directing Universities To Accommodate Students Who Miss Class For Abortion Care

Revised Title IX Rules Set To Go Into Effect On August 1 Direct Universities To Accommodate Students Who Miss Class For Abortion Care. “The professors are challenging the new regulations set to go into effect Aug. 1, which include guidance that directs universities to accommodate students who need to miss class for abortion care. The revised rules also prohibit discrimination based on sexual orientation, gender identity and sex characteristics.” [KUT, [5/31/24](#)]

Two Texas Professors Joined A Texas State Lawsuit Claiming They Would Not Accommodate Class Absences Due To Abortion

Two University Of Texas At Austin Professors Joined A Texas State Lawsuit Against The Department Of Education To Block New Title IX Regulations From Going Into Effect This Summer. “Two University of Texas at Austin professors have joined a state lawsuit against the U.S. Department of Education and Education Department officials to block new Title IX regulations from going into effect this summer. Texas, along with other red states, has sued over concerns about new Title IX regulations, particularly the expansion of Title IX sex discrimination protections for LGBTQ+ students. Now UT-Austin professors Daniel Bonevac and John Hatfield have joined that lawsuit because of concerns about abortion—specifically, they argue that they would be required to excuse student absences for out-of-state travel for abortion, which they are unwilling to do. Abortion access has been severely curtailed in Texas after the U.S. Supreme Court overruled Roe v. Wade.” [Inside Higher Ed, [6/3/24](#)]

The Plaintiffs Said They Did Not Intend To Accommodate Absences From Class To Receive Abortions And Would Not Hire Teaching Assistants Who Violated Laws About “Abortion-Related Paraphernalia.” “‘Plaintiffs Hatfield and Bonevac do not intend to accommodate student absences from class to obtain abortions—including illegal abortions and purely elective abortions that are not medically required,’ reads the amended complaint filed last week. ‘Nor will Plaintiffs Hatfield and Bonevac hire a teaching assistant who has violated the

abortion laws of Texas or the federal-law prohibitions on the shipment or receipt of abortion pills and abortion-related paraphernalia.” [Inside Higher Ed, [6/3/24](#)]

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[State of Texas v. The United States of America et al., filed [5/13/24](#)]

May 2024: Texas Convened A Coalition Of States And Second Amendment Groups To Sue The Bureau Of Alcohol, Tobacco, Firearms And Explosives Over A New Rule Regulating Firearm Dealers

April 2024: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Issued A New Rule Expanding The Definition Of Who Is Considered A Regulated Firearms Dealer Under Federal Law

April 2024: The Bureau Of Alcohol, Tobacco, Firearms And Explosives Issued Its Final Rule Broadening The Definition Of When A Person Is Considered “Engaged In The Business” Of Selling Firearms. “On April 10, 2024, the Attorney General signed ATF’s final rule, Definition of “Engaged in the Business” as a Dealer in Firearms, amending ATF’s regulations in title 27, Code of Federal Regulations (“CFR”), part 478. The final rule implements the provisions of the Bipartisan Safer Communities Act (“BSCA,” effective June 25, 2022), which broadened the definition of when a person is considered “engaged in the business” as a dealer in firearms (other than a gunsmith or pawnbroker).” [Bureau of Alcohol, Tobacco, Firearms and Explosives, accessed [5/7/24](#)]

The Agency Argued That The New Definition Would Implement The Provisions Of The Bipartisan Safer Communities Act. “The final rule implements the provisions of the Bipartisan Safer Communities Act (“BSCA,” effective June 25, 2022)...” [Bureau of Alcohol, Tobacco, Firearms and Explosives, accessed [5/7/24](#)]

The New Definitions Would Likely Subject More Categories Of Firearms Dealers To Local Licensing Requirements. “Implications for Licensing and Compliance...Elected officials should

ensure that local law enforcement and regulatory bodies are aware of the expanded criteria for who should be licensed as a firearm dealer. Enhanced training and resources may be necessary to manage compliance checks and licensing processes effectively. Understanding the broader definition of “purchase” and “sale,” which now includes any exchange of value (e.g., bartering goods, services, or even controlled substances for firearms), is crucial for properly identifying unlicensed transactions.” [National League of Cities, [4/17/24](#)]

Texas Convened A Coalition Of States And Second Amendment Groups To Sue The Biden Administration In Amarillo Over The New Rule

May 1, 2024: Texas Sued The Bureau Of Alcohol, Tobacco, Firearms And Explosives In Amarillo.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS, STATE OF	§	
LOUISIANA, STATE OF	§	
MISSISSIPPI, STATE OF UTAH,	§	
JEFFREY W. TORMEY, GUN	§	
OWNERS OF AMERICA, INC., GUN	§	
OWNERS FOUNDATION,	§	
TENNESSEE FIREARMS	§	
ASSOCIATION, and VIRGINIA	§	
CITIZENS DEFENSE LEAGUE,	§	
<i>Plaintiffs,</i>	§	
v.	§	CIVIL ACTION No. _____
	§	
BUREAU OF ALCOHOL, TOBACCO,	§	
FIREARMS AND EXPLOSIVES,	§	
UNITED STATES DEPARTMENT OF	§	
JUSTICE, MERRICK GARLAND, in his	§	
official capacity as Attorney General of	§	
the United States, and STEVEN M.	§	
DETTELBACH, in his official capacity	§	
as Director of ATF,	§	
<i>Defendants.</i>	§	

[State of Texas, et al. v. Bureau of Alcohol, Tobacco, Firearms and Explosives, et al., filed [5/1/24](#)]

- **Louisiana, Missouri, And Utah Joined Texas’s Lawsuit.** “Texas Attorney General Ken Paxton is leading a multistate coalition including Louisiana, Missouri, and Utah to sue the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) of the U.S. Department of Justice for unlawfully attempting to abridge Americans’ constitutional right to privately buy and sell firearms.” [Attorney General of Texas, [5/1/24](#)]
- **Three Second Amendment Interest Groups Also Joined The Lawsuit As Co-Plaintiffs.** “Gun Owners of America (“GOA”), Virginia Citizens Defense League, and Tennessee Firearms Association joined as co-plaintiffs.” [Attorney General of Texas, [5/1/24](#)]
- **The Plaintiffs Asked The Court To Declare The Rule Unconstitutional.** “Plaintiffs respectfully request that the Court: a. Declare that the Final Rule violates the Administrative Procedure Act as it is in excess of statutory jurisdiction or authority and an ultra vires agency action; b. Declare that the Final Rule violates the Administrative Procedure Act because it is arbitrary, capricious, an abuse of discretion, and not in accordance with law; c. Declare that the Final Rule violates the Administrative Procedure

Act because it is contrary to constitutional right, power, privilege or immunity; d. Set aside the Final Rule pursuant to 5 U.S.C. § 706 of the Administrative Procedure Act; e. Declare that the Final Rule violates the Fifth Amendment; f. Declare that the Final Rule violates the Second Amendment; g. Declare that the Final Rule violates the Fourth Amendment; h. Declare that the Final Rule violates Article I, Sections 1 and 7; i. Preliminarily and permanently enjoin Defendants and anyone acting in concert with them from enforcing the Final Rule or from taking any action inconsistent with the injunction of the Final Rule..." [State of Texas, et al. v. Bureau of Alcohol, Tobacco, Firearms and Explosives, et al., filed [5/1/24](#)]

May 2024: The American Health Care Association Sued The Biden Administration To Stop Its National Staffing Requirement For Nursing Homes

May 2024: The Centers for Medicare & Medicaid Services (CMS) Published Its Final Rule Implementing Minimum Staffing For Nursing Homes

The Centers for Medicare & Medicaid Services Published Its Finalized Rule To Implement Minimum Staffing For Nursing Homes In The U.S. "The Centers for Medicare & Medicaid Services (CMS) published its Final Rule today to implement a minimum staffing 'floor' for nursing homes in the United States, as first announced on April 22. The Final Rule, which as proposed garnered significant attention and opposition, with over 46,000 public comments submitted, reflects the Biden administration's efforts to implement staffing mandates to ensure quality of care for long-term care (LTC) nursing home residents." [Morgan Lewis, [5/10/24](#)]

The Rule Requires Homes To Have Minimum Coverage For Residents From A Registered Nurse And Nursing Aid Daily. "The Final Rule requires nursing homes to have a minimum of 3.48 hours per resident day (HRPD), with each resident receiving at least .55 hours of care from a registered nurse (RN) per day and at least 2.45 hours of care from a nursing aid (NA) per day. A slight change from the proposed rule, which we covered back in September 2023, is that facilities will have flexibility to use a combination of staff (RNs, nurse practitioners, licensed vocational nurses, or certified nursing assistants) to provide the additional .48 HRPD needed to meet the minimum standard." [Morgan Lewis, [5/10/24](#)]

The Rule Requires Homes To Have A Registered Nurse On Site 24/7 For Direct Patient Care. "In addition to the minimum hours per resident per day, the Final Rule requires an RN on site at facilities 24 hours a day, seven days a week to provide direct patient care, which is aimed to address preventable safety events during more vulnerable times for residents, such as nights and weekends." [Morgan Lewis, [5/10/24](#)]

May 2024: The American Health Care Association Sued The Administration Claiming They Lacked The Authority To Create The Requirements And That The Requirements Were Burdensome

May 2024: Three Texas Nursing Home Operators And Their Trade Associations Filed A Lawsuit Arguing The Biden Administration Lacks The Authority To Create New Minimum Staffing Requirements. "Three Texas nursing home operators and their trade associations filed a lawsuit Thursday arguing the administration lacks the authority to create new minimum staffing

requirements and that the one-size-fits-all approach is ‘manifestly inappropriate.’” [Axios, [5/24/24](#)]

The Lawsuit Claimed The Requirements Created Impossible-To-Meet Standards And Could Cause Facilities To Close. “The policy “creates impossible-to-meet standards that will harm thousands of nursing homes and the vulnerable Americans they serve,” the American Health Care Association and several Texas providers argued. The lawsuit said the regulations could force many facilities to limit their capacity or close entirely.” [Axios, [5/24/24](#)]

June 2024: Two Plaintiffs Supported By An Anti-Regulation Nonprofit Filed A Complaint Against The Department Of Energy Over Their Enforcement Of Water Efficiency Rules In Certain Consumer Appliances

June 2024: Two Plaintiffs Filed A Complaint Against The Department Of Energy Claiming The Department Went Beyond Its Statutory Authority In Increasing The Stringency Of Water Efficiency Rules Of Certain Consumer Appliances. “Plaintiffs Bill Word and David Daquin bring this action for declaratory and injunctive relief against the U.S. Department of Energy (‘DOE’). DOE has gone beyond its statutory authority in increasing the stringency of water efficiency rules of certain consumer appliances without lawful authority. More precisely, DOE lacks the authority to increase the stringency of such rules for appliances other than showerheads, faucets, water closets, and urinals. This lawsuit seeks to confine the actions of the DOE to the exercise of its lawful statutory authority.” [Word, et al. v. U.S. Department of Energy, filed [6/13/24](#)]

The Plaintiffs Alleged The Department Of Energy Did Not Have The Authority To Amend The Standards For Water Efficiency Of Clothes Washers, Dishwashers, And Other Appliances. “Defendant does not have the authority to amend the standard for water efficiency of clothes washers, dishwashers, or other appliances other than showerheads, faucets, water closets, or urinals. Defendant has without lawful authority amended the appliance regulations concerning water efficiency as to dishwashers and clothes washers.” [Word, et al. v. U.S. Department of Energy, filed [6/13/24](#)]

The Plaintiffs Were Represented By Competitive Enterprise Institute.

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[Word, et al. v. U.S. Department of Energy, filed [6/13/24](#)]

- **Competitive Enterprise Institute Is An Anti-Regulation Nonprofit.** “CEI’s mission is to reform America’s unaccountable regulatory state. We develop and advocate policies to eliminate harmful bureaucratic controls so people can live in a freer, healthier, and more prosperous nation.” [Competitive Enterprise Institute, accessed [6/13/24](#)]

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