

**IN THE UNITED STATES OF AMERICA
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

State of Texas,

Plaintiff,

v.

United States Department of Health and Human Services; Xavier Becerra, in his official capacity as Secretary of the United States Department of Health and Human Services; and Melanie Fontes Rainer, in her official capacity as Director of the Office for Civil Rights of the United States Department of Health and Human Services,

Defendants,

and

City of Columbus, Ohio; City of Madison, Wisconsin; and Doctors for America,

Intervenor-Defendants.

Civil Action No. 5:24-cv-00204-H

**INTERVENOR-DEFENDANTS' NOTICE OF
CONTINUED INTENTION TO INTERVENE**

In response to this Court's order, ECF No. 47, Proposed Intervenor-Defendants, the City of Columbus, Ohio ("Columbus"), the City of Madison, Wisconsin ("Madison"), and Doctors for America ("DFA"), hereby notify the Court of their continued intention to intervene as of right and, in the alternative, by permission from this Court.

Proposed Intervenor-Defendants have strong legally protectible interests in this matter. Columbus, Madison, and DFA's members are "covered entities" subject to and governed by the Privacy Rules, and all have an interest in maintaining the provider-patient relationship, which the Privacy Rules foster by promoting trust between patients and providers. *See* Memorandum in Support of Proposed Intervenor-Defendants' Motion for Leave to Intervene ("Memorandum"),

ECF No. 27 at 8–12. As local governments, Columbus and Madison also have an interest in and responsibility for promoting the public health of their cities, which is aided by the willingness of patients to be honest with public health providers. *See id.* at 12–14. And DFA has an interest in avoiding the expenditure of resources that will follow a change in the privacy landscape. *See id.* at 14.

Moreover, while Defendants have indicated a willingness to continue in this litigation, in three related cases, they have declined to defend the 2024 Rule on the merits. *See Purl v. U.S. Dep’t of Health & Hum. Servs.*, No. 2:24-cv-228-Z (N.D. Tex.), ECF No. 70; *Tennessee v. U.S. Dep’t of Health & Hum. Servs.*, No. 3:25-cv-025 (E.D. Tenn.), ECF No. 65; *Missouri v. U.S. Dep’t of Health & Hum. Servs.*, No. 4:25-cv-077-JAR (E.D. Mo.), ECF No. 31. This lacking defense evinces what Proposed Intervenor-Defendants argued four months ago: the government’s representation of Proposed Intervenor-Defendants’ interests is inadequate.¹

For the foregoing reasons, and those set out in Proposed Intervenor-Defendants’ Memorandum, Proposed Intervenor-Defendants respectfully request that this Court grant their Motion for Leave to Intervene, ECF No. 26.

Date: May 20, 2025

Respectfully submitted,

/s/ Shannon R. Selden

Shannon Rose Selden – *Admitted Pro Hac Vice*
Zachary H. Saltzman – *Pro Hac Vice Pending*
Adam Aukland-Peck – *Admitted Pro Hac Vice*

¹ Proposed Intervenor-Defendants note that their Motion to Intervene in a related case in this district was denied. *Purl v. U.S. Dep’t of Health & Hum. Servs.*, No. 2:24-cv-228-Z (N.D. Tex.), ECF No. 106. For the above listed reasons, and those in Proposed Intervenor-Defendants’ Memorandum, Proposed Intervenor-Defendants respectfully disagree with that denial.

DEBEVOISE & PLIMPTON LLP
66 Hudson Boulevard
New York, New York 10001
(212) 909-6000 (phone)
(212) 909-6836 (fax)
srselden@debevoise.com
saltzmzh@debevoise.com
aauklandpeck@debevoise.com

Counsel to Intervenor-Defendants

-and-

Carrie Y. Flaxman – *Admitted Pro Hac Vice*
Madeline H. Gitomer – *Admitted Pro Hac Vice*
Emma R. Leibowitz – *Admitted Pro Hac Vice*
DEMOCRACY FORWARD
P.O. Box 34553
Washington, DC 20043
(202) 448-9090 (phone)
cflaxman@democracyforward.org
mgitomer@democracyforward.org
eleibowitz@democracyforward.org

Counsel to Intervenor-Defendants

-and-

Aisha Rich – *Admitted Pro Hac Vice*
PUBLIC RIGHTS PROJECT
490 43rd Street, Unit #115
Oakland, California 94609
(510) 214-6960 (phone)
aisha@publicrightsproject.org

*Counsel to City of Columbus and City of
Madison*

Anna A. Moody – *Admitted Pro Hac Vice*
Gabriel A. Kohan – *Admitted Pro Hac Vice*
DEBEVOISE & PLIMPTON LLP
801 Pennsylvania Avenue NW
Washington, DC 20004
(202) 383-8000 (phone)
(202) 383-8118 (fax)
amoody@debevoise.com
gakohan@debevoise.com

Counsel to Intervenor-Defendants

-and-

Jennifer R. Ecklund
THOMPSON COBURN LLP
2100 Ross Avenue Suite 3200
Dallas, Texas 75201
(972) 629-7100 (phone)
(972) 629-7171 (fax)
jecklund@thompsoncoburn.com

Counsel to Intervenor-Defendants

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2025, a copy of the foregoing was filed electronically via the Court's ECF system, which effects service upon counsel of record.

/s/ Shannon R. Selden
Shannon Rose Selden