

**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF LOUISIANA**

**PLANNED PARENTHOOD GULF  
COAST, INC.**

**CIVIL ACTION**

**VERSUS**

**NO. 15-565-JWD-RLB**

**COURTNEY PHILLIPS, in her official  
capacity as Secretary of the Louisiana  
Department of Health**

**ORDER**

This matter comes before the Court on the *Motion to Vacate the Preliminary Injunction* (Doc. 115) (the “*Motion*”) filed by Defendant Dr. Courtney Phillips, in her official capacity as Secretary of the Louisiana Department of Health. Plaintiff Planned Parenthood Gulf Coast, Inc. opposes the motion, (Doc. 116), and Defendant has filed a reply, (Doc. 119). Oral argument is not necessary. The Court has carefully considered the law, the facts in the record, and the arguments and submissions of the parties and is prepared to rule.

For the following reasons, Defendant’s motion is denied. This Court granted Defendant’s earlier *Motion to Stay Proceedings* (Doc. 109) and ordered that:

[A]ll proceedings are stayed and administratively closed pending decisions in the *en banc* rehearing of *Planned Parenthood of Greater Texas Family Planning & Preventative Health Servs., Inc. v. Smith*, 914 F.3d 994 (5th Cir. 2019), and the appeal in *Planned Parenthood Gulf Coast, Inc. v. Gee*, No. 18- 30699 (5th Cir.) (“*Gee II*”), after which time the parties shall file a motion to lift the stay.

(Doc. 114 at 1 (emphasis in original).) As Defendant concedes, no ruling has been issued in *Gee II*. (See Doc. 115-1 at 1.) Thus, the requirements to lift the stay have not been satisfied.

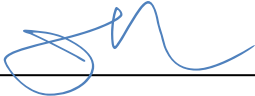
Further, regardless of the ruling in *Planned Parenthood of Greater Texas Family Planning & Preventative Health Services, Inc. v. Kauffman*, 981 F.3d 347 (5th Cir. 2020) (en banc), the

Court sees little reason to vacate the injunction (which necessarily requires a limited lifting of the stay) until the legal landscape of this case is fully clarified by a decision in *Gee II*. This is particularly true given the facts that (1) vacating the injunction could cause the Court (and the parties) to expend considerable time and resources to try and decide the constitutional issues before a decision in *Gee II*, despite the fact that a ruling in *Gee II* could render such time and expense unnecessary, and (2) oral argument was heard in *Gee II* on January 9, 2019, so a ruling will presumably be issued soon. (*Gee II*, Doc. 69.)

Accordingly,

**IT IS ORDERED** that the *Motion to Vacate the Preliminary Injunction* (Doc. 115) filed by Defendant Dr. Courtney Phillips, in her official capacity as Secretary of the Louisiana Department of Health, is **DENIED**.

Signed in Baton Rouge, Louisiana, on April 7, 2021.



---

**JUDGE JOHN W. deGRAVELLES**  
**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF LOUISIANA**