

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

PETER POE, et al.,

Plaintiffs,

v.

GENTNER DRUMMOND, et al.,

Defendants.

Case No. 23-CV-177-JFH-SH

**NOTICE OF AGREEMENT AND JOINT MOTION TO STAY DISTRICT COURT
PROCEEDINGS**

Plaintiffs Peter Poe, Paula Poe, Patrick Poe, Daphne Doe, Donna Doe, Brandon Boe, Bethany Boe, Benjamin Boe, Lydia Loe, Lauren Loe, Ryan Roe, Rachel Roe, and Richard Roe (“the Plaintiffs”); Defendants Oklahoma Attorney General Gentner Drummond, Members of the Oklahoma State Board of Medical Licensure and Supervision, Members of the Oklahoma Board of Nursing, and Members of the Oklahoma State Board of Osteopathic Examiners (“the State Defendants”); and Defendants University Hospitals Authority, Members of the Board of Directors for the University Hospitals Authority, Trustees of the University Hospitals Trust, OU Medicine, Inc., and Richard Lofgren (“the Hospital Defendants”) respectfully move the Court to stay proceedings during the pendency of the appeal to the Court of Appeals for the Tenth Circuit, and any subsequent petition by either party to the U.S. Supreme Court, with the exception of the Court’s ruling on Defendants’ pending Motions to Dismiss. (ECF Nos. 80 and 82.)

In support of this Joint Motion, the Parties state as follows:

1. On October 5, 2023, the Court denied Plaintiffs’ Motion for Preliminary Injunction. (ECF No. 138.)

2. Plaintiffs filed a notice of appeal to the Tenth Circuit on October 6, 2023. (ECF No. 140.)

3. The Parties believe it is beneficial to stay the case and preserve the Court's resources pending Plaintiffs' appeal. Neither Party will be prejudiced by the requested stay.

4. The Parties thus jointly move this Court to enter a stay of all proceedings in this case, with the exception of the Court's ruling on Defendants' pending Motions to Dismiss. (ECF Nos. 80 and 82.) A district court has "broad discretion to stay proceedings" as incidental to its "power to control its own docket" – particularly where, as here, a stay would promote judicial economy and efficiency. *Clinton v. Jones*, 520 U.S. 681, 706-07 (1997); *see also Crawford-El v. Britton*, 523 U.S. 574, 597-99 (1998).

5. This request is made in the interests of justice and judicial economy and not for the purpose of delay. The Parties agree that the relief sought would be the most efficient way to handle the proceedings.

WHEREFORE, the Parties respectfully request that the Court enter an Order staying further proceedings in this matter pending resolution of Plaintiffs' appeal.

Dated this 7th day of November, 2023.

Respectfully submitted,

/s/ Megan Lambert
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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2023, I electronically filed the foregoing Joint Notice of Agreement and Joint Motion to Stay District Court Proceedings with the Clerk of Court via the Court's CM/ECF system, which effects service upon all counsel of record.

Respectfully submitted,

/s/ Megan Lambert

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