

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

AMERICAN COLLEGE OF
OBSTETRICIANS AND
GYNECOLOGISTS, *et al.*,

Plaintiffs,

vs.

UNITED STATES FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

Case No. 8:20-cv-1320-TDC

JOINT STATUS REPORT

As the Parties previously notified this Court, *see* Dkt. 155, on April 12, 2021, Defendant U.S. Food and Drug Administration (“FDA”) issued a letter to Plaintiff American College of Obstetricians and Gynecologists announcing that, “provided the other requirements of the Mifepristone REMS Program are met,” FDA “intends to exercise enforcement discretion during the COVID-19 [Public Health Emergency (“PHE”)] with respect to the in-person dispensing requirement of the Mifepristone REMS Program, including any in person requirements that may be related to the Patient Agreement Form.” FDA also stated that, “to the extent all of the other requirements of the Mifepristone REMS Program are met,” FDA “intends to exercise enforcement discretion during the COVID-19 PHE with respect to the dispensing of mifepristone through the mail either by or under the supervision of a certified prescriber, or through a mail-order pharmacy when such dispensing is done under the supervision of a certified prescriber.”

In light of this development, and because Defendants have never filed an answer or motion for summary judgment in this matter, Plaintiffs intend to shortly file a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Thereafter, all litigants—Plaintiffs, Defendants,

and the States that sought intervention—intend to jointly file a motion to dismiss all appeals pending in the Fourth Circuit. The litigants are in agreement that this Court’s July 13, 2020 preliminary injunction, Dkt. 92, will dissolve and have no effect upon dismissal of this matter.

Dated: May 6, 2021

Respectfully submitted,

/s/ Julia Kaye

/s/ John A. Freedman

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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