

1 ROB BONTA, State Bar No. 202668
 Attorney General of California
 2 ANYA M. BINSACCA, State Bar No. 189613
 Supervising Deputy Attorney General
 3 KRISTIN A. LISKA, State Bar No. 315994
 Deputy Attorney General
 4 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102-7004
 5 Telephone: (415) 510-3916
 Fax: (415) 703-5480
 6 E-mail: Kristin.Liska@doj.ca.gov
Attorneys for Defendants

8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 10 SACRAMENTO DIVISION

12 **PIERRE KORY, M.D., BRYAN TYSON,**
M.D., LETRINH HOANG, D.O.,
 13 **PHYSICIANS FOR INFORMED**
CONSENT, a not-for-profit corporation,
 14 **and CHILDREN’S HEALTH DEFENSE, a**
notfor-profit corporation,

15 Plaintiffs,

16 v.

18 **ROB BONTA, in his official capacity as**
Attorney General of California, REJI
 19 **VARGHESE, in his official capacity as**
Executive Director of the Medical Board of
 20 **California, ERIKA CALDERON, in her**
 21 **official capacity as Executive Officer of the**
Osteopathic Medical Board of California,

22 Defendants.

Case No. 2:24-cv-00001-WBS-AC

JOINT STATUS REPORT

Date: N/A
 Time: N/A
 Dept: 5
 Judge: The Honorable William B.
 Shubb
 Trial Date: Not scheduled
 Action Filed: 1/02/2024

1 The parties submit this Joint Status Report in response to the Court’s January 15, 2025
2 order. On April 20, 2026, the U.S. Supreme Court denied plaintiffs’ petition for a writ of
3 certiorari. *See Kory v. Bonta*, 2026 WL 1052108 (U.S. Apr. 16, 2026). Following the denial, the
4 parties disagree regarding the proper next steps.

5 Defendants propose to set a schedule to brief a motion to dismiss. They propose to file
6 their motion to dismiss by June 15, 2026, six weeks after this joint status report was filed, with
7 any opposition due by July 27, 2026 (six weeks after the motion), and any reply due by August
8 17, 2026 (four weeks after the opposition). Since the Ninth Circuit’s decision affirming this
9 Court’s ruling was left undisturbed by the U.S. Supreme Court, defendants’ position is that this
10 matter should be dismissed for lack of standing and failure to state a claim for the reasons set
11 forth in that decision. Allowing for the briefing of a motion to dismiss would allow for an
12 expeditious resolution of this matter on the merits, thereby conserving judicial resources.

13 Plaintiffs propose to file a renewed motion for preliminary injunction, and potentially for
14 summary judgment, on the same schedule defendants propose for their motion to dismiss:
15 opening brief due June 15, 2026; opposition due July 27, 2026; reply due August 17, 2026. The
16 Ninth Circuit’s memorandum disposition and this Court’s underlying order have been abrogated
17 by two intervening Supreme Court decisions. *Chiles v. Salazar*, 607 U.S. ___ (No. 24-539,
18 decided March 31, 2026), holds that licensed-professional speech to clients is fully protected and
19 subject to strict scrutiny. Both courts below held the speech was unprotected and applied no
20 scrutiny at all, which infected their standing analysis as well: protected speech triggers the relaxed
21 First Amendment standing framework, not the rigorous test the courts applied. *First Choice*
22 *Women’s Resource Centers, Inc. v. Davenport*, 608 U.S. ___ (No. 24-781, decided April 29,
23 2026), independently confirms that a government threat to First Amendment-protected speech is
24 itself the injury for standing purposes, “not just when [it] is enforced but when it is made and for
25 as long as it remains outstanding.” Slip op. 12-13.

26 Two further decisions issued after this Court’s April 23, 2024 order also control. *NRA v.*
27 *Vullo*, 602 U.S. 175 (2024), holds that a coercive government policy can violate the First
28 Amendment even when the underlying statutory authority is facially neutral, including informal

1 policies, and that a challenge to the policy is the proper vehicle. This undercuts the Court's
2 bifurcation of plaintiffs' claims into a facial or as-applied attack on § 2234(c); plaintiffs pleaded a
3 challenge to defendants' enforcement policy and program. And *Murthy v. Missouri*, 603 U.S. 43
4 (2024), confirms that the organizational plaintiffs have listener standing under *Virginia State*
5 *Board of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748 (1976), and *Kleindienst*
6 *v. Mandel*, 408 U.S. 753 (1972).

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8
9 Dated: May 4, 2026

Respectfully submitted,

ROB BONTA
Attorney General of California
ANYA M. BINSACCA
Supervising Deputy Attorney General

/s/ Kristin Liska

KRISTIN A. LISKA
Deputy Attorney General
Attorneys for Defendants

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16 Dated: May 4 2026

/s/ Richard Jaffee (as authorized by email
on May 4, 2026)

RICHARD JAFFE
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

Case Name: Kory, Pierre, M.D., et al. v. Rob Bonta, et al. No. 2:24-cv-00001-WBS-AC

I hereby certify that on May 4, 2026, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

JOINT STATUS REPORT

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on May 4, 2026, at San Diego, California.

Ileana G. Chavarin

Declarant

/s/ I. Chavarin

Signature

SA2024300122