

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA
and STATE OF NEW JERSEY,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants,

LITTLE SISTERS OF THE POOR SAINTS
PETER AND PAUL HOME,

Intervenor-Defendant.

No. 2:17-cv-04540-WB

CONSENT MOTION FOR PARTIAL STAY OF JUDGMENT PENDING APPEAL

Intervenor-Defendant the Little Sisters of the Poor Saints Peter and Paul Home hereby moves for a limited and partial stay of this Court's August 13, 2025 judgment as it applies to the Little Sisters of the Poor during the pendency of the appeal of this action to the Third Circuit and any subsequent appeals. This motion is made under Federal Rule of Civil Procedure 7 and in accordance with Federal Rule of Appellate Procedure 8. Both the Plaintiff States and Federal Defendants consent to this motion. In support of this motion, the Intervenor-Defendant states as follows:

1. On August 13, 2025, this Court issued an opinion and order denying the Intervenor-Defendant's and Federal Defendants' summary judgment motions and granting summary judgment to the Plaintiff States. Dkt. 356, 357.
2. The order vacated the rule announced in 83 Fed. Reg. 57,536 (Nov. 15, 2018) in its entirety, thereby re-imposing the earlier rule announced in 80 Fed. Reg. 41,318 (July 14, 2015). Dkt. 357.

3. On August 13, 2025, the Intervenor-Defendant filed its notice of appeal. Dkt. 358.
4. On August 25, 2025, the Federal Defendants filed their notice of appeal. Dkt. 361.
5. The parties have engaged in discussions about how to avoid additional litigation related to a stay of the order.
6. With the consent of all parties, Intervenor-Defendant respectfully requests that the Court stay its order in part, so as to ensure that the homes operated by the Little Sisters of the Poor are required to comply only with 83 Fed. Reg. 57,536 (Nov. 15, 2018), as opposed to the older regulations at 80 Fed. Reg. 41,318 (July 14, 2015) during the pendency of the appeal.
7. This partial stay of judgment as to the religious exemption rule shall apply only to the Little Sisters of the Poor.
8. This partial stay of judgment as to the religious exemption rule shall not apply to the Court's vacatur of the moral exemption rule announced in 83 Fed. Reg. 57,592 (Nov. 15, 2018).
9. Federal Defendants consent to this motion for a partial stay for the Little Sisters of the Poor. Plaintiff States also consent, but do not concede the merits of any legal arguments to be raised on appeal.

Dated: September 22, 2025

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Respectfully submitted,

/s/ Mark Rienzi
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Counsel for Intervenor-Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court for the United States District Court for the Eastern District of Pennsylvania using the CM/ECF system, and that service will be effectuated through the CM/ECF system.

Dated: September 22, 2025

/s/ Mark Rienzi
Mark Rienzi

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[PROPOSED] ORDER

AND NOW, this _____ day of _____, 2025, it is hereby **ORDERED** that the consent motion for a partial stay of the judgment pending appeal is **GRANTED**. This Court's order granting Plaintiffs' motion for summary judgment and vacating the Religious Exemption Rule, dated August 13, 2025, Dkt. 357, is hereby **STAYED IN PART**, so as to ensure that the homes operated by the Little Sisters of the Poor are required to comply only with 83 Fed. Reg. 57,536 (Nov. 15, 2018), as opposed to the older regulations at 80 Fed. Reg. 41,318 (July 14, 2015), during the pendency of the appeal. This partial stay of judgment as to the religious exemption rule shall apply only to the Little Sisters of the Poor. This partial stay of judgment as to the religious exemption rule shall not apply to the Court's vacatur of the moral exemption rule announced in 83 Fed. Reg. 57,592 (Nov. 15, 2018).

BY THE COURT:

WENDY BEETLESTONE, J.