

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

HARRIS COUNTY, TEXAS, *et al.*,

Plaintiffs,

v.

Case No. 1:25-cv-01275-CRC

ROBERT F. KENNEDY, JR., in his
official capacity as Secretary of Health
and Human Services, *et al.*,

Defendants.

PLAINTIFFS' MOTION FOR ENTRY OF A BRIEFING SCHEDULE

The Court stayed this case pending the D.C. Circuit's *en banc* decision in *Climate United Fund v. Citibank*, D.C. Cir. No. 25-5122. ECF No. 62. Now that the D.C. Circuit has issued an opinion in *Climate United*, Plaintiffs hereby move for the entry of the briefing schedule proposed below.

1. On April 24, 2025, Plaintiffs Harris County, Texas; Columbus, Ohio; Nashville, Tennessee; and Kansas City, Missouri; and American Federation of State, County and Municipal Employees, AFL-CIO ("AFSSCME") (collectively, "Plaintiffs") served their complaint on Defendants, challenging the unilateral termination of over \$11 billion of congressionally appropriated federal grants for programs designed to address the effects of the COVID-19 pandemic and to prepare communities for future potential outbreaks. ECF No. 1.
2. On June 17, 2025, the Court granted in part Plaintiffs' motion for a preliminary injunction. ECF Nos. 32-33.
3. On August 27, 2025, Plaintiffs filed their motion for summary judgment. ECF No. 46.

4. On December 23, 2025, Defendants filed a combined motion to dismiss, motion for summary judgment, and opposition to Plaintiffs' motion for summary judgment. ECF No. 57.
5. On January 12, 2026, the Court issued a Minute Order directing the parties to provide their respective positions on staying the dispositive motion briefing in this case in light of the *en banc* proceedings in *Climate United Fund v. Citibank*, D.C. Cir. No. 25-5122, as well as other grant-termination cases currently pending before the D.C. Circuit (as further identified in the Minute Order).
6. On January 16, 2026, the parties submitted a joint report on their respective positions regarding staying the dispositive motion briefing. ECF No. 60.
7. On January 23, 2026, the Court stayed dispositive motion briefing in this case "until the D.C. Circuit issues an opinion in *Climate United Fund v. Citibank*, D.C. Cir. No. 25-5122, or such earlier time as the Court deems appropriate." ECF No. 62 ("Order"). The Court struck Plaintiffs' pending motion for summary judgment and Defendants' pending motion to dismiss and motion for summary judgment and stated "[t]he parties may renew their dispositive motions once the *Climate United Fund* opinion is issued or earlier, if so directed by the Court." *Id.*
8. On August 4, 2026, the D.C. Circuit issued its opinion affirming the district court's grant of a preliminary injunction in *Climate United Fund v. Citibank*, D.C. Cir. No. 25-5122. Doc. No. 2186441.
9. On August 14, 2026, Plaintiffs' counsel contacted Defendants' counsel to propose filing a joint motion for entry of a briefing schedule given the D.C. Circuit's recent *Climate United Fund* decision. On August 19, 2026, Defendants' counsel informed Plaintiffs' counsel that

Defendants oppose lifting the stay on dispositive motion briefing pending the D.C. Circuit's forthcoming decision in *Vera Inst. of Justice v. United States DOJ*, D.C. Cir. No. 25-5248. Defendants' counsel further stated that Defendants respectfully decline to join Plaintiffs' motion and will oppose Plaintiffs' instant motion for entry of a briefing schedule.

10. Plaintiffs oppose further staying this case pending any decision in *Vera Institute*. This Court's stay order was limited to the resolution of the *en banc* proceedings in *Climate United*. Unlike *Climate United*, the panel decision in *Vera Institute* will not represent the views of the *en banc* Court. Moreover, this case presents issues not raised in the *Vera Institute* case, including whether the Tucker Act can strip jurisdiction over claims brought by plaintiffs who are not parties to any government contract or grant. It is not appropriate to indefinitely stay this case simply because there is another case before the D.C. Circuit that touches on similar issues.

11. Pursuant to the Order's direction that parties may renew their dispositive motions once the D.C. Circuit issues an opinion in *Climate United Fund*, Plaintiffs propose the following schedule:

Document	Deadline for Filing
Plaintiffs' Motion for Summary Judgment	On or before October 2, 2026
Defendants' Motion for Summary Judgment, Motion to Dismiss, and Opposition to Plaintiffs' Motion for Summary Judgment	On or before October 23, 2026
Plaintiffs' Reply in Support of their Motion for Summary Judgment	On or before October 30, 2026
Defendants' Reply in Support of their Motion for Summary Judgment, Motion to Dismiss, and Opposition to Plaintiffs' Motion for Summary Judgment	On or before November 6, 2026

12. Defendants do not agree to the proposed schedule. Defendants' counsel informed Plaintiffs' counsel on August 24, 2026 that Defendants' position is that the Court should enter a briefing schedule after considering the parties' briefing on whether to lift the stay on dispositive motion briefing.
13. Plaintiffs' position is that by the terms of this Court's prior Order, the stay expired upon issuance of the *Climate United* opinion. *See* Order. Even if the Court disagrees, however, if it wishes to independently determine whether to extend the stay, it can resolve that simultaneously with consideration of Plaintiffs' proposed briefing schedule."

Dated: August 24, 2026

Respectfully submitted,

/s/ Sharanya Mohan

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[PROPOSED] ORDER

The Court hereby GRANTS Plaintiffs' Motion for Entry of a Briefing Schedule. ECF No. 65.

Accordingly, Plaintiffs shall have up to and including October 2, 2026 to file their motion for summary judgment. Defendants shall have up to and including October 23, 2026 to file their motion for summary judgment, motion to dismiss, and opposition to Plaintiffs' motion for summary judgment. Plaintiffs shall have up to and including October 30, 2026 to file their reply in support of their motion for summary judgment and Defendants shall have up to and including November 6, 2026 to file their reply in support of their motion for summary judgment, motion to dismiss, and opposition to Plaintiffs' motion for summary judgment.

IT IS SO ORDERED.

Date:

HON. CHRISTOPHER R. COOPER
United States District Judge