

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

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Case No. 1:25-cv-11048-ADB

**PLAINTIFF’S UNOPPOSED MOTION FOR STAY OF DEADLINE TO FILE
MOTION FOR ATTORNEY’S FEES AND COSTS PENDING APPEAL**

Plaintiff President and Fellows of Harvard College (“Harvard”) submits this motion for a stay of the deadline to file any motion for attorney’s fees and costs pending final resolution of any appeal (including any proceedings in both the U.S. Court of Appeals for the First Circuit and the Supreme Court of the United States). Counsel for Harvard have conferred with counsel for Defendants (the “Government”), and the Government has consented to this motion.

This Court entered final judgment on October 20, 2025. *See* ECF 247. Pursuant to Federal Rule of Civil Procedure 54(d)(2)(B), any motion for attorney’s fees “must ... be filed no later than 14 days after the entry of judgment” unless “a statute or a court order provides otherwise.”

Harvard respectfully requests—and the Government consents to—a stay of the deadline to file any motion for attorney’s fees and costs pending final resolution of any appeal. This Court has discretion to modify the deadline for motions for attorney’s fees and costs. *See* Fed. R. Civ. P. 54(d)(2)(B) (providing that the 14-day deadline for attorney’s fees motions can be modified by “a court order”); *see also* Fed. R. Civ. P. 58 advisory committee’s note to 1993 amendment (“Particularly if the claim for fees involves substantial issues or is likely to be affected by the appellate decision, the district court may prefer to defer consideration of the claim for fees until

after the appeal is resolved.”). Staying the deadline to file any motion for attorney’s fees and costs pending final resolution of any appeal would spare both the parties and the Court the substantial time and expense of litigating fees and costs until appeals are finally resolved.

Harvard respectfully requests that the Court enter an order (1) staying the deadline to file any motion for attorney’s fees and costs pending final resolution of any appeal (including any proceedings in both the U.S. Court of Appeals for the First Circuit and the Supreme Court) and (2) directing the parties to file a joint status report regarding the schedule for any motion for attorney’s fees and costs within 14 days of (A) expiration of the time to file a petition for a writ of certiorari in the Supreme Court if none is filed, (B) denial of a petition for a writ of certiorari in the Supreme Court if certiorari is denied, or (C) issuance of an opinion by the Supreme Court if certiorari is granted. If no notice of appeal is filed by December 19, 2025, then the parties shall file a joint status report with the Court no later than January 5, 2026.

Dated: October 29, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Counsel for Plaintiff certify that they have submitted the foregoing document with the clerk of court for the District of Massachusetts, using the electronic case filing system of the Court. Counsel for Plaintiff hereby certify that they have served all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ Steven P. Lehotsky
Steven P. Lehotsky

LOCAL RULE 7.1 CERTIFICATION

In accordance with the requirements of Local Rule 7.1(a)(2), I hereby certify that counsel for Plaintiff conferred with Defendants' counsel regarding this motion. Defendants' counsel indicated that Defendants consent to this motion.

/s/ Steven P. Lehotsky
Steven P. Lehotsky

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**[PROPOSED] ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR STAY OF DEADLINE TO FILE
MOTION FOR ATTORNEY'S FEES AND COSTS PENDING APPEAL**

The Court hereby grants Plaintiff's Unopposed Motion for Stay of Deadline to File Motion for Attorney's Fees and Costs Pending Appeal. The deadline to file any motion for attorney's fees and costs is stayed pending final resolution of any appeal (including any proceedings in both the U.S. Court of Appeals for the First Circuit and the Supreme Court of the United States). The parties are directed to file a joint status report within 14 days of (1) expiration of the time to file a petition for a writ of certiorari in the Supreme Court if none is filed, (2) denial of a petition for a writ of certiorari in the Supreme Court if certiorari is denied, or (3) issuance of an opinion by the Supreme Court if certiorari is granted. If no notice of appeal is filed by December 19, 2025, then the parties shall file a joint status report with the Court no later than January 5, 2026.

SO ORDERED.

Allison D. Burroughs
United States District Judge

Date _____