

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

STATE OF COLORADO, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*,

Defendants.

Civil Action No.
25cv121-MSM-AEM

JOINT MOTION TO STAY PROCEEDINGS

The parties jointly move to stay all proceedings and pending deadlines in this action through November 9, 2026. As explained below, good cause supports the requested stay.

1. On April 1, 2025, Plaintiffs filed this case (ECF 1) and moved for a temporary restraining order (ECF 4), which the Court entered by text order on April 3, 2025, as well as on April 5, 2025 (ECF 54). Plaintiffs amended their complaint on April 8, 2025. ECF 59. The parties then filed initial and supplemental briefs concerning the Plaintiffs' preliminary-injunction motion between April 8 and 24, 2025. ECF 60, 68, 69, 80, 81.

2. On May 16, 2025, the Court granted Plaintiffs' motion for a preliminary injunction. ECF 84. Defendants subsequently notified the Court (ECF 85) of their compliance with the Preliminary Injunction Order, which remains in effect.

3. On December 12, 2025, the parties jointly moved to stay this case (ECF 100) and have since submitted joint motions seeking extensions of that stay. Consistent with one of those submissions, Defendants produced the Administrative Record ("AR") on May 1, 2026.

4. On June 2, 2026, the parties filed a status report presenting their respective positions concerning discovery. ECF 107. By Text Order dated July 20, 2026, the Court ordered the parties to brief those positions. Plaintiffs filed their brief on Monday, August 3, 2026. ECF 109. Defendants' brief is currently due September 4, 2026.

5. One of Defendants’ central defenses is that the Tucker Act divests this Court of jurisdiction over Plaintiffs’ claims. Plaintiffs dispute this argument, both as to their APA claims and their constitutional claims, but recognize that it is Defendants’ primary defense. In granting preliminary relief and in addressing Defendants’ Tucker Act arguments, this Court stated: “The jurisdictional boundary between the Tucker Act and the [Administrative Procedure Act] is well-traversed by litigants seeking relief against the federal government. But the boundary’s precise contours remain elusive.” ECF 84 at 16 (internal quotation marks and citation omitted).

6. The United States intends to file a petition for a writ of certiorari on or before November 9, 2026 in *Climate United Fund v. Environmental Protection Agency*, No. 25-5122 (D.C. Cir.). The petition concerns the boundary between the Tucker Act and the APA and may provide further guidance.

7. Because any Supreme Court guidance on the jurisdictional issue could inform adjudication of Plaintiffs’ claims and the parties’ discovery dispute, the parties ask the Court for a short stay in this case.

8. The Court has ample authority to enter such a stay. “It is beyond cavil that . . . federal district courts possess the inherent power to stay pending litigation when the efficacious management of court dockets reasonably requires such intervention.” *Marquis v. FDIC*, 965 F.2d 1148, 1154 (1st Cir. 1992). “Of course, stays cannot be cavalierly dispensed: there must be good cause for their issuance; they must be reasonable in duration; and the court must ensure that competing equities are weighed and balanced.” *Id.* at 1155. Each factor supports the limited stay requested here.

9. First, the requested stay is brief and definite. The parties seek a stay only through a short period following November 9, 2026—the date through which the D.C. Circuit has stayed its mandate to permit the government to seek Supreme Court review in *Climate United Fund*. Apart from the discovery-briefing deadline established by the Court’s July 20 and August 19, 2026, Text Orders, no other deadlines have been set in this case.

10. Second, a stay would promote judicial economy. Awaiting the government's anticipated petition for certiorari would allow the parties and the Court to assess the appropriate next steps.

11. Third, the balance of equities favors a stay. Most importantly, the Court's Preliminary Injunction Order will remain in effect throughout the requested stay. Plaintiffs therefore will continue to receive the protection afforded by that Order while proceedings are temporarily held in abeyance.

WHEREFORE, the parties respectfully request that the Court enter an order (1) staying all proceedings and pending deadlines in this case through November 9, 2026; and (2) directing the parties to file a joint status report by November 23, 2026, advising the Court whether the government has filed a petition for a writ of certiorari in *Climate United Fund*. If a petition has been filed, the parties will advise the Court of their respective positions concerning whether the stay should remain in effect pending the Supreme Court's disposition of the petition and, if review is granted, further proceedings before the Supreme Court. If no petition were filed, the parties will advise the Court of their respective positions concerning the appropriate next steps in this action.

Dated: September 2, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on September 2, 2026, I filed the foregoing document through this Court's Electronic Case Filing (ECF) system, thereby serving it upon all registered users in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rule Gen 304.

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