

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

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH & HUMAN
SERVICES, et al.,

Defendants.

Civil Action No. 1:25-cv-00196

**MOTION FOR A STAY OF PROCEEDINGS IN LIGHT OF LAPSE OF
APPROPRIATIONS**

Defendants the U.S. Department of Health and Human Services and Robert F. Kennedy in his official capacity (collectively, the Defendants) hereby move for a stay of all deadlines in the above-captioned case, which remains subject to the preliminary injunction entered by the Court on July 1, 2025, as modified on August 12, 2025. *See* ECF Nos. 73, 89.

At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including relevant portions of the Department of Health and Human Services. The Department of Justice does not know when such funding will be restored by Congress.

Absent appropriation, Department of Justice attorneys and relevant employees of the Department of Health and Human Services are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

Undersigned counsel for the Department of Justice therefore requests a stay of all deadlines in this case until Congress has restored appropriations to the Department of Justice. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department of Justice. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations – *i.e.*, each deadline would be extended by the total number of days of the lapse in appropriations.¹

Therefore, although the Government greatly regrets any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of all deadlines until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

¹ Following a series of meet-and-confer emails regarding this requested relief between Wednesday, October 1 and today, Plaintiffs authorized Defendants to represent that they take no position on a stay, but that if the Court enters a stay, they believe that a fixed number of days after the lapse of appropriations is the appropriate form of scheduling relief, and that if Defendants need more time after the lapse in appropriation ends and funding resumes, the parties can revisit the question of scheduling.

Dated: October 3, 2025

Respectfully submitted,

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