

**UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

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COMMONWEALTH OF MASSACHUSETTS, *et al.*,  
*Plaintiffs-Appellees*,

v.

ROBERT F. KENNEDY, JR., *et al.*,  
*Defendants-Appellants*.

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On Appeal from a Judgment of the United States  
District Court for the District of Massachusetts

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**PLAINTIFF STATES' OPPOSITION TO DEFENDANTS'  
REQUEST FOR AN IMMEDIATE ADMINISTRATIVE STAY**

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Defendants' emergency motion seeks both (1) a stay pending appeal and (2) an immediate administrative stay. *See* Defs.' Mot. 1–2. Plaintiffs submit this opposition to explain why the Court should deny the latter request.

Defendants' motion fails to develop any argument in support of their request for an immediate administrative stay (as distinct from their request for a stay pending appeal more generally), and their dilatory conduct belies the need for such extraordinary relief. The district court

announced its decision from the bench on June 16 (Defs.’ App. 332–347); it formally entered judgment on June 23 (Defs.’ App. 352–353); and it denied defendants’ motion for a stay pending appeal on June 24 (Defs.’ App. 359–364). Yet defendants waited more than a week after the district court’s denial of a stay—until the close of business before a Friday federal holiday, no less—to ask this Court for the supposedly “time sensitive” relief they now seek. In the face of defendants’ delay, there is no justification for the entry of an administrative stay. This Court’s rules make clear that “[m]otions for stay, or other emergency relief, may be denied for failure to present promptly.” 1st Cir. R. 27.0(b). The Court should apply that rule and deny defendants’ motion insofar as it seeks an immediate administrative stay.

As for defendants’ primary request (*i.e.*, their request for a stay pending appeal), plaintiffs respectfully propose that the Court set Friday, July 11, as the deadline for plaintiffs to file their opposition papers. That timeframe is less than both (1) the nine days it took defendants, following the district court’s denial of a stay, to file the present motion and (2) the ten days to which plaintiffs are otherwise entitled under Appellate Rule 27(a)(3)(A). In other words, receiving plaintiffs’ opposition on July 11 will

more than fairly balance defendants' asserted interest in prompt action against plaintiffs' interest in a full and fair opportunity to respond to defendants' motion.

Accordingly, plaintiffs request that the Court deny defendants' motion insofar as it seeks an immediate administrative stay and set July 11 as the deadline for plaintiffs' opposition.

July 3, 2025

Respectfully submitted.

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