

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

	)	
FAULK COMPANY, INC.,	)	
	)	
Plaintiff-Appellee	)	
	)	
v.	)	No. 25-10773
	)	
ROBERT F. KENNEDY, JR., in his official	)	
capacity as Secretary of Health and	)	
Human Services, U.S. DEPARTMENT OF	)	
HEALTH AND HUMAN SERVICES and	)	
its subcomponent CENTERS FOR	)	
MEDICARE AND MEDICAID SERVICES,	)	
MEHMET OZ, in his official capacity as	)	
Administrator of the Centers for Medicare	)	
and Medicaid Services, and	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendants-Appellants	)	
	)	

**APPELLANTS’ MOTION FOR A STAY OF BRIEFING
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The defendants-appellants United States, the U.S. Department of Health and Human Services (“HHS”) and its subcomponent the Centers for Medicare and Medicaid Services (“CMS”), the Secretary of HHS, and the Administrator of CMS (collectively, “the Government”) hereby moves for a stay of briefing in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys 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.

3. Undersigned counsel for the Department of Justice therefore requests a stay of briefing until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. 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.

5. Undersigned counsel has contacted counsel for the plaintiff-appellee Faulk Company, Inc. (“Faulk”), Taylor Winn, who has

authorized counsel for the Government to state that Faulk does not oppose this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of briefing in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

/s/ Geoffrey J. Klimas

GEOFFREY J. KLIMAS

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Counsel for the Appellants

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UNITED STATES OF AMERICA,	)	
	)	
Defendants-Appellants	)	
	)	

DECLARATION

I, Geoffrey J. Klimas, of the United States Department of Justice,
Washington, D.C., state as follows:

1. I am an attorney employed in the Appellate Section of the
Tax Division, United States Department of Justice. In that capacity, I
have been assigned the primary responsibility for handling the above-
captioned appeal on behalf of the Government.

2. The facts recited in the foregoing motion are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on this 8th day of October, 2025, at Washington, D.C.

/s/ Geoffrey J. Klimas
GEOFFREY J. KLIMAS
Attorney

CERTIFICATE OF COMPLIANCE

With Type-Volume Limitation, Typeface Requirements,
and Type Style Requirements

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d) because:

☒ this motion contains 626 words, excluding the parts thereof exempted by Fed. R. App. P. 32(a)(7)(B)(iii), *or*

☐ this motion uses a monospaced typeface and contains [*state the number of*] lines of text, excluding the parts thereof exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

2. This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because:

☒ this motion has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Century Schoolbook, *or*

☐ this motion has been prepared in a monospaced typeface using [*state name and version of word processing program*] with [*state number of characters per inch and name of type style*].

(s) /s/ Geoffrey J. Klimas

Attorney for the Appellants

Dated: October 8, 2025