

Judge Brian E. Murphy: ELECTRONIC ORDER entered DENYING 303 Motion to Stay Preliminary Injunction Order. Andrea Shaw, Shanticia Nelson, Dr. Paul Thomas, Dr. Kenneth Stoller, and Children's Health Defense (together, "Movants") have moved to stay this Court's preliminary injunction order "in light of the intervening charter renewal" pending appeal, under Federal Rule of Civil Procedure 62(d). Dkt. 303 at 2. A district court may stay injunctive relief while an appeal is pending. Fed. R. Civ. P. 62(d). "Deciding a motion for a stay pending appeal requires an exercise of the court's equitable discretion." Ark. Tchr. Ret. Sys. v. State St. Bank & Tr. Co., 527 F. Supp. 3d 40, 58 (D. Mass. 2021) (citing Common Cause R.I. v. Gorbea, 970 F.3d 11, 15–16 (1st Cir. 2020)). The Court can resolve this motion without reaching the merits. Movants' motion fails because they provide no authority that Movants—acting in this case solely as amici curiae after this Court denied their motion to intervene, see Dkt. 271 —have standing to seek a stay of this Court's prior order. "[A]n amicus curiae is merely a 'friend of the court,' not a party to the action, and to that end, an amicus may not assume the functions of a party, nor may it initiate, create, extend, or enlarge the issues." League of Women Voters of N.H. v. Kramer, 2024 WL 4604323, at *1 (D.N.H. Oct. 29, 2024) (quoting Famulus Health, LLC v. GoodRX, Inc., 2024 WL 4151090, at *5 (D.S.C. Sept. 11, 2024)). As such, First Circuit precedent directs that a court should ignore arguments advanced only "by amici and not by parties," apart from those related to jurisdiction. In re Sony BMG Music Ent., 564 F.3d 1, 3 (1st Cir. 2009); see also United States v. Chiaradio, 684 F.3d 265, 284 n.7 (1st Cir. 2012) ("[W]e adhere to the established principle that an amicus may not 'interject into a case issues which the litigants, whatever their reasons might be, have chosen to ignore.'" (quoting Lane v. First Nat'l Bank of Bos., 871 F.2d 166, 175 (1st Cir. 1989))), cert. denied, 568 U.S.

1004 (2012). Further, the Court has found no authority for the proposition that a non-party may move for relief that a party has not themselves sought, cf. Disability L. Ctr. v. Mass. Dep't of Corr., 2017 WL 1042068, at *2 (D. Mass. Mar. 17, 2017) ("Aldrich lacks standing to seek to reopen the case [under Federal Rule of Civil Procedure 60] because he was not a party to it."); Murphy v. Franklin Reg'l Hosp., 2008 WL 5054688, at *1 (D.N.H. Nov. 20, 2008) ("Because NH HHS is not a party, it lacks standing to file a motion to reconsider an order issued in this case."), and it is Movants' responsibility to identify legal authority in support of their position, see Lovern v. Astrue, 2011 WL 4621455, at *6 (D. Mass. Sept. 29, 2011) (noting that "it is the parties['] burden, not the court['s], to develop arguments in support of their claims/positions, with citation to relevant legal authority" (citing Shaner v. Chase Bank USA, 587 F.3d 488, 494 (1st Cir. 2009))); see also United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990) ("It is not enough merely to mention a possible argument in the most skeletal way, leaving the court to do counsel's work, create the ossature for the argument, and put flesh on its bones."). Accordingly, Movants' motion is DENIED.(MBM) (Entered: 05/06/2026)