

Judge Indira Talwani: ELECTRONIC ORDER entered. On July 21, 2025, the court granted in part Plaintiffs' Emergency Motion for a Preliminary Injunction [Doc. No. 4], enjoining Defendants from enforcing the provisions of Section 71113 of "An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14" against Planned Parenthood Association of Utah and other Planned Parenthood Federation of America Members who will not provide abortion services as of October 1, 2025, or for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act for medical assistance furnished in fiscal year 2023 made directly to them did not exceed \$800,000. Mem. & Order 35 [Doc. No. 62]. At the same time, the court considered and denied Defendants' request, see Defs.' Mem. 44 [Doc. No. 53], that any injunctive relief be stayed pending appeal, Mem. & Order 33-35 [Doc. No. 62]. Defendants filed an appeal the following day, see Notice of Appeal [Doc. No. 63], but did not seek a stay from the First Circuit. On July 28, 2025, the court granted Plaintiffs' Emergency Motion for a Preliminary Injunction [Doc. No. 4] in full, enjoining Defendants from enforcing the provisions of Section 71113 of "An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14" against Planned Parenthood Association of Utah, Planned Parenthood League of Massachusetts, and all other Planned Parenthood Federation of America Members. Mem. & Order 57-58 [Doc. No. 69]. The court again considered and denied Defendants' request, see Defs.' Mem. 44 [Doc. No. 53], that any injunctive relief be stayed pending appeal. Mem. & Order 56-57 [Doc. No. 69]. Defendants filed an appeal eight days later, on August 5, 2025, see Notice of Appeal [Doc. No. 75], but have not sought a stay from the First Circuit to date. On August 7, 2025, after filing their second Notice of Appeal [Doc. No. 75], Defendants filed a stand-alone Motion to Stay Preliminary Injunctions Pending Appeal [Doc. No. 84] in this court. Defendants acknowledge that they had previously requested a stay and that the court had denied the request, see Mem. in Support 2 [Doc. No. 85] (citing Defs.' Mem. at 44 [Doc. No. 53] (requesting stay pending appeal); Mem. & Order 33-35 [Doc. No. 62] (denying stay request); Mem. & Order 56-57 [Doc. No. 69] (denying stay request)). Defendants explain their further filing by citing *Am. Pub. Health Assn v. Nat'l Institutes of Health*, -- F.4th--, 2025 WL 2017106, at *8 (1st Cir. July 18, 2025) (requiring the government to raise all arguments in support of stay pending appeal in its stay motion). Defendants also "request[] a ruling on this motion by this Monday, August 11, 2025, so that [Defendants] may promptly request relief from the First Circuit, if necessary." Mem. in Support 2-3 [Doc. No. 85]. But the court has already ensured that Defendants could immediately seek relief from the First Circuit by acting on their previous request for a stay at the same time that the court addressed Plaintiffs' Emergency Motion for a Preliminary Injunction [Doc. No. 4]. In light of that, Defendants' belated concern about presenting all arguments to this court does not justify an expedited ruling on Defendants' request for reconsideration. Plaintiffs shall file their response to Defendants' Motion to Stay [Doc. No. 84] no later than August 21, 2025. The court anticipates considering Defendants' Motion [Doc. No. 84] promptly once Plaintiffs have filed their response. (Talwani, Indira) (Entered: 08/11/2025)