

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC., *et al.*,

Plaintiffs,

v.

No. 1:25-cv-11913-IT

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

Defendants.

DEFENDANTS' NOTICE REGARDING STAY MOTION

Defendants hereby notify the Court of their intent not to seek leave to file a Reply in support of their pending stay motion, *see* Dkt. No. 84, and request that the Court rule on the motion by August 25, 2025. In support, Defendants state as follows:

1. Plaintiffs moved for a preliminary injunction seeking to enjoin Defendants from enforcing Section 71113 of the One Big Beautiful Bill Act against Planned Parenthood members, Dkt. No. 4.
2. Defendants opposed that motion, Dkt. No. 53, and in that opposition requested that any injunctive relief be stayed pending appeal, *see id.* at 44.
3. This Court thereafter entered two orders granting Plaintiffs' motion for preliminary injunctive relief, Dkt. No. 4, and in those orders denied Defendants' request for a stay pending appeal, *see* Dkt. No. 62 at 33–35; Dkt. No. 69 at 56–57.
4. Defendants appealed both orders to the United States Court of Appeals for the First Circuit. Dkt. Nos. 63, 75.

5. Although Defendants had previously requested that this Court enter a stay pending appeal, Dkt. No. 53, Defendants filed a renewed motion to stay both preliminary injunctions pending appeal in this Court on August 7, 2025, out of an abundance of caution, *see* Dkt. No. 84; Dkt. No. 85 at 2 (citing *Am. Pub. Health Ass'n v. Nat'l Institutes of Health*, 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)).

6. Defendants respectfully requested a ruling on that motion by August 11, 2025. Dkt. No. 85 at 3.

7. On August 11, 2025, this Court denied Defendants' request for an expedited ruling on the stay motion, stating that "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," Dkt. No. 87. The Court further ordered Plaintiffs to file their response to the renewed stay motion by August 21, 2025. *Id.* And the Court explained that it anticipated considering Defendants' stay motion "promptly once Plaintiffs have filed their response." *Id.*

8. Also on August 11, 2025, the Government moved in the First Circuit to stay the preliminary injunctions pending appeal. *See Planned Parenthood v. HHS*, Nos. 25-1698, 25-1755 (1st Cir. 2025).

9. The First Circuit denied that motion on August 19, 2025, because the renewed stay motion filed in this Court "remains pending, and the district court has directed Plaintiff-Appellees to file a response by August 21, 2025." The First Circuit further stated, "[s]o that the district court may have a full opportunity to address the stay motion before it, the Motion is denied." In doing

so, the First Circuit relied on this Court’s assurance that it expected to consider Defendants’ stay motion “promptly.”

10. In light of the First Circuit’s ruling and to avoid any impediment to the Court rendering a prompt decision on Defendants’ stay motion, Defendants hereby notify the Court that they will not seek leave to file a Reply in support of their stay motion, *see* L.R. 7.1(b)(3) (providing that reply briefs may be submitted only with leave of court).

11. Further, Defendants respectfully request that this Court rule on the pending stay motion by August 25, 2025, to accord with the First Circuit’s expectation of “prompt” action in this Court, and so that, if needed, Defendants may seek relief from the First Circuit and, if further relief is necessary, from the Supreme Court in advance of October 1, 2025 – the date as of which “prohibited entity” status will begin to apply.

Dated: August 20, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2025, the foregoing pleading was filed electronically through the CM/ECF system, which causes all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/ Elisabeth J. Neylan

Elisabeth J. Neylan

Trial Attorney

United States Department of Justice