

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

THE FAMILY PLANNING ASSOCIATION
OF MAINE d/b/a MAINE FAMILY
PLANNING,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et al.*,

Defendants.

No. 1:25-cv-00364-LEW

**CONSENT MOTION FOR A STAY OF PROCEEDINGS
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendants hereby move for a stay of proceedings in the above-captioned case.

1. After this Court denied Plaintiff's motion for a preliminary injunction, Plaintiff appealed that order and moved for an injunction pending appeal. *See* ECF Nos. 31, 32, 33.

2. This Court denied that motion, ECF No. 38, and Plaintiff sought an injunction pending appeal from the U.S. Court of Appeals for the First Circuit.

3. On September 16, 2025, this Court granted Defendants' consent motion to stay further District Court proceedings pending resolution of the motion in the First Circuit and any similar request filed in the Supreme Court. ECF No. 42.

4. On October 16, 2025, the First Circuit denied Plaintiff's motion for an injunction pending appeal, *see Family Planning Association of Maine v. HHS*, No. 25-1829 (1st Cir. Oct. 16, 2025), and counsel for Plaintiff informed undersigned counsel that Plaintiff is not planning to seek emergency relief from the Supreme Court.

5. Meanwhile, at the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including the federal Defendants. The Department does not know when such funding will be restored by Congress.

6. Absent an appropriation, Department of Justice attorneys and employees of the federal Defendants 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.

7. Undersigned counsel for the Department of Justice therefore requests a stay of all proceedings in this case, until Congress has restored appropriations to the Department.

8. 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, the parties confer and submit a Joint Status Report proposing next steps for this matter within 14 days of the end of the lapse in appropriations.

9. The Government has conferred with opposing counsel, and Plaintiff consents to 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 proceedings in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: October 23, 2025

Respectfully submitted,

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