

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

CITY OF COLUMBUS, *et al.*,
Plaintiffs-Appellees,

v.

ROBERT F. KENNEDY, JR., *in his official
capacity as Secretary of the United States
Department of Health and Human Services,
et al.*,
Defendants-Appellants.

No. 25-2012

**MOTION FOR A STAY OF BRIEFING SCHEDULE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendants-Appellants hereby move for a stay of the briefing schedule 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 same is true for several other Executive agencies, including appellants the Department of Health and Human Services and the Centers for Medicare & Medicaid Services. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of appellants 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 the briefing schedule until Congress has restored appropriations to the Department and appellants.

4. The government respectfully requests that, when appropriations are restored, all current deadlines for the parties be extended for the number of days commensurate with the duration of the lapse in appropriations, plus an additional 14 days. Thus, for example, if the lapse lasts 14 days, all parties' deadlines would be extended by $14 + 14 = 28$ days. The Government will need this additional time following the end of the lapse to restart regular government operations and finalize its brief for filing.

5. In addition, granting an extension calculated in the manner proposed above will avoid having all briefs that would otherwise have been due during the period of a lapse of appropriations from having the same due date following the restoration of appropriations, which would not be practicable for the government or the Court. It also preserves the original chronological order of filing in government cases for fairness to all parties.

6. Opposing counsel has authorized counsel for the Government to state that they consent to the relief sought in 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 the briefing schedule in this case, as described above, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

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/s/ Maxwell A. Baldi
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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 370 words. This motion also complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5)–(6) because it was prepared using Word for Microsoft 365 in Georgia Pro 14-point font, a proportionally spaced typeface.

/s/ Maxwell A. Baldi

MAXWELL A. BALDI