

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

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

Plaintiffs-Appellees

v.

ROBERT F. KENNEDY, JR., in the official capacity as  
Secretary of the Department of Health and Human Services,  
et al.

Defendants-Appellants.

Nos. 25-1698,  
25-1755

**APPELLANTS' MOTION FOR A STAY OF THE STATUS REPORT  
DEADLINE IN LIGHT OF LAPSE OF APPROPRIATIONS**

The Government hereby moves for a stay of the deadline for filing a joint status report in the above-captioned cases.

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 Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys 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 status report deadline until Congress has restored appropriations to the Department.

4. The Government respectfully requests that, when appropriations are restored, the current status report deadline be extended for the number of days commensurate with the duration of the lapse in appropriations, plus an additional three business days. Thus, for example, if the lapse lasts 14 days, all parties' deadlines would be extended by  $14 + 3 = 17$  days. The Government will need this additional time following the end of the lapse to restart regular government operations and finalize the status report for filing.

5. Government counsel reached out to plaintiffs' counsel regarding plaintiffs' position on this motion but have not received a response as of the time of this filing.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the status report deadline in this case, as described above, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

DANIEL TENNY

/s/ Steven H. Hazel  
STEVEN H. HAZEL

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October 1, 2025

## **CERTIFICATE OF COMPLIANCE**

Pursuant to Fed. R. App. P. 32(g), I hereby certify this motion complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Garamond, a proportionally spaced font, and that it complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 299 words, according to the count of Microsoft Word.

*/s/ Steven H. Hazel*

Steven H. Hazel