

Nos. 25-1698, 25-1755

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 HIS OFFICIAL CAPACITY AS SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL.,

Defendants-Appellants.

On Appeal from the United States District Court
for the District of Massachusetts in Case No. 1:25-cv-11913

**OPPOSITION TO APPELLANTS' MOTION FOR
AN EXTENSION OF TIME TO FILE REPLY BRIEF
IN LIGHT OF LAPSE IN APPROPRIATIONS**

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October 14, 2025

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Plaintiffs Planned Parenthood Federation of America, Planned Parenthood League of Massachusetts, and Planned Parenthood Association of Utah (together, “Planned Parenthood”) oppose the government’s Motion for Extension of Time to File Reply Brief in Light of the Lapse in Appropriations (“Motion”), filed today (October 14, 2025) in the above-captioned cases.

1. On September 18, 2025, this Court ordered an expedited briefing schedule, which, among other things, required Plaintiffs to file their response brief by 5:00 p.m. on October 13, and for the government to “file any reply brief by 5:00 p.m. seven days after the day of filing of Plaintiffs’ response brief.” The Court made clear that “[n]o extensions will be granted absent grave cause.” In that order, the Court also required that the parties submit a joint status report by October 3, “updating the court on statutory implementation and any specific designations or identifications made under Section 71113.”

2. On September 23, the Court scheduled oral argument for November 12. The Court again made clear: “There will be no continuance except for grave cause.”

3. On October 1, the government filed a motion for a stay of the deadline to file the court-ordered status report “in light of lapse of appropriations,” asserting that Department of Justice funding had lapsed and that its attorneys were prohibited from working except in “very limited circumstances.” The government’s requested relief concerned only the status-report deadline, and it nowhere suggested that it also

sought an extension of the expedited briefing schedule. Plaintiffs opposed the government's motion for stay, and this Court denied it by order issued the next day.

4. Plaintiffs timely filed their response brief on October 13. The next morning (today), the government moved to extend its reply brief deadline "until Congress has restored appropriations to the Department," and, presumably, also seeks a corresponding extension of the oral argument date. In the alternative, the government requests an extension until November 3, in the event "the Court may wish to state a date past which the government's reply will not be extended."

5. The government's Motion should be denied. To the extent the government seeks an indefinite stay of the deadline to file its reply brief and the date for oral argument, that outcome would severely prejudice Plaintiffs given the significance of the issues in this case that gave rise to the expedited schedule currently in place. And to the extent the government asks, in the alternative, for an extension of their deadline to November 3, it has not even attempted to explain how any lapse in government appropriations justifies extending its deadline by two weeks, leaving just one week before oral argument.

6. The Court already has rejected the government's request to extend one deadline on the same basis invoked again here—lapse in appropriations—and previously and repeatedly ordered that no extensions of the briefing schedule or argument date will be granted absent "grave cause." There is no such cause here,

and the government does not seriously argue otherwise. Other courts have denied similar requests for extensions by the government. *See, e.g.*, ECF No. 245, *President & Fellows of Harvard College v. U.S. Dep't of Health & Human Servs.*, 1:25-cv-11048 (Oct. 9, 2025) (denying motion to stay deadline); ECF No. 72, *California v. U.S. Dep't of Health & Human Servs.*, 1:25-cv-12118 (Oct. 8, 2025) (“The lapse in appropriations does not justify a stay of these proceedings.”). The Court should do the same here.

CONCLUSION

The Court should deny the government’s Motion.

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), the undersigned hereby certifies that this brief complies with the type-volume limitation of Fed. R. App. P. 27(d)(2).

1. Exclusive of the exempted portions of the brief, as provided in Fed. R. App. P. 32(f), the brief contains 579 words.

2. The brief has been prepared in proportionally spaced typeface using Microsoft Word for Microsoft 365 MSO in 14-point Times New Roman font. As permitted by Fed. R. App. P. 32(g), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

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October 14, 2025

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing Opposition to Appellants' Motion for an Extension of Time to File Reply Brief in Light of Lapse in Appropriations with the Clerk of the United States Court of Appeals for the First Circuit via the CM/ECF system this 14th day of October, 2025 to be served on all counsel of record via ECF.

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