

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

COMMONWEALTH OF  
PENNSYLVANIA; STATE OF NEW  
JERSEY,

Plaintiffs-Appellees,

v.

PRESIDENT UNITED STATES OF  
AMERICA, et al.,

Defendants-Appellants,

and

LITTLE SISTERS OF THE POOR  
SAINTS PETER AND PAUL HOME,

Intervenor-Defendant-  
Appellant,

Nos. 25-2575 & 25-2662

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

The United States of America hereby moves 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 the federal appellants.

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

2. Absent an appropriation, Department of Justice attorneys and employees of the federal 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 for all parties until Congress has restored appropriations to the Department.

4. The Government respectfully requests that the current November 12, 2025, deadline for filing and serving the briefs for Appellants and the joint appendix be extended for the number of days commensurate with the duration of the lapse in appropriations, plus an additional 14 days, except that the deadline shall not be extended beyond the date that is 45 days after the date that appropriations to the Department are restored. The Government will need this additional time following the end of the lapse to restart regular government operations and finalize the brief for filing.

5. Counsel for the plaintiff states, appellees, have indicated that they have no objection to this motion, and counsel for the Little Sisters of the Poor Saints Peter and Paul Home, intervenor-defendant-appellant, have indicated that they consent to the relief sought.

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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OCTOBER 2025

## **CERTIFICATE OF COMPLIANCE**

I hereby certify that this motion satisfies the type-volume requirements set out in Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 325 words. This motion was prepared using Microsoft Word in Century Schoolbook, 14-point font, a proportionally spaced typeface.

*s/ Jacob Christensen*  
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Jacob Christensen