

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PLANNED PARENTHOOD OF	)	
GREATER NEW YORK <i>et al.</i>	)	
	)	
Plaintiffs,	)	
v.	)	Civil Action No. 25-cv-2453
	)	
U.S. DEPARTMENT OF HEALTH AND	)	
HUMAN SERVICES <i>et al.</i>	)	
	)	
Defendants.	)	
	)	

PLAINTIFFS' OPPOSED MOTION TO SET A BRIEFING SCHEDULE

Plaintiffs Planned Parenthood of Greater New York (PPGNY), Planned Parenthood California Central Coast (PPCCC), and Planned Parenthood of the Heartland respectfully request that the Court set the following summary judgment briefing schedule to govern proceedings in this matter. In support of this motion, the parties state as follows:

1. Plaintiffs filed this action on July 29, 2025. Dkt. No. 1. As detailed in Plaintiffs' Complaint, this action challenges the Department of Health and Human Services' issuance of the July 1 Teen Pregnancy Prevention Program Policy Notice. HHS issued the Policy Notice on July 2, 2025, the same day Plaintiffs learned that the third year of their five-year teen pregnancy prevention program grants had been awarded.

2. Plaintiffs PPGNY and PPCCC filed a Motion for a Temporary Restraining Order on July 29, 2025, Dkt. No. 3, which the Court denied on July 31, 2025, based on a finding that Plaintiffs had not shown an imminent irreparable harm.

3. Although the Court determined that Plaintiffs had not met the high showing of irreparable harm, for the reasons articulated in PPGNY and PPCCC's Motion for a Temporary Restraining Order, prompt resolution of this case is still necessary and appropriate here for all

Plaintiffs. For instance, consistent with PPGNY's declaration in support of a TRO, the inability to access TPP funding under the conditions imposed by the Policy Notice has necessitated staff layoffs and the termination of memorandums of understandings with community partners that anticipated services provided. PPGNY cannot resume administering its programming, if at all, until the Policy Notice is enjoined.

4. The parties conferred about this motion, and Defendants oppose. Plaintiffs initially proposed a more truncated schedule to Defendants as part of the conferral process and are now proposing the below schedule to accommodate Defendants' counsel's vacation schedule while still balancing Plaintiffs' need for expedited relief.

5. The parties have already briefed the vast majority of the legal issues involved and the Court has held an in-depth oral argument. Accordingly, Plaintiffs propose the following briefing schedule:

August 25, 2025 – Plaintiffs to file their Motion for Summary Judgment

September 10, 2025 – Defendants to file their opposition

September 17, 2025 – Plaintiffs to file their reply

In the event that the Court denies Plaintiffs' Motion for Summary Judgment on the grounds that it cannot resolve this case absent an administrative record, Defendants shall provide Plaintiffs the administrative record within 30 days of the Court's resolution of Plaintiffs' Motion for Summary Judgment.

6. Promptly entering a briefing schedule for cross-motions for summary judgment would best promote efficient resolution of this case. Because this case arises under the APA, the sole disputed issues are questions of law. Defendants may raise any legal defenses that could be presented in an answer or motion to dismiss in their own motion for summary judgment. Entering

a briefing schedule for cross summary-judgment motions would avoid the need for duplicative briefing on a motion to dismiss raising identical issues, reducing the burden on both the parties and the Court, and reflects standard practice in this District for APA cases.

7. A proposed order is enclosed.

Dated: August 11, 2025

Respectfully submitted,

By: /s/ Andrew T. Tutt
Drew A. Harker (DC Bar # 412527)
Andrew T. Tutt (DC Bar # 1026916)
Bonnie Devany (*pro hac vice*)*
Daniel Yablon (DC Bar # 90022490)
John V. Hoover (DC Bar # 90006181)
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
(202) 942-5000
drew.harker@arnoldporter.com
andrew.tutt@arnoldporter.com
bonnie.devany@arnoldporter.com
daniel.yablon@arnoldporter.com
jack.hoover@arnoldporter.com

Emily Nestler (DC Bar # 973886)
PLANNED PARENTHOOD FEDERATION OF
AMERICA
1100 Vermont Avenue NW
Washington, DC 20005
(202) 973-4800
emily.nestler@ppfa.org

Valentina De Fex (*pro hac vice* pending)
Melissa Shube (DC Bar # 241034)
PLANNED PARENTHOOD FEDERATION OF
AMERICA
123 William Street, 9th Floor
New York, NY 10038
Phone: (212) 261-4696

* *Admitted only in Texas; practicing in D.C. pursuant to D.C. Ct. of Appeals R. 49(c)(8), under supervision of D.C. Bar Members.*

valentina.defex@ppfa.org
melissa.shube@ppfa.org

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

PLANNED PARENTHOOD OF
GREATER NEW YORK *et al.*

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES *et al.*

Defendants.

Civil Action No. 25-cv-2453

**[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION TO SET A BRIEFING SCHEDULE**

Upon consideration of Plaintiffs' Motion to Set a Briefing Schedule, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that:

1. Plaintiffs are to file their motion for summary judgment by August 25, 2025.
2. Defendants are to file their opposition to Plaintiffs' motion for summary judgment by September 10, 2025.
3. Plaintiffs are to file their reply in support of their motion for summary judgment by September 17, 2025.
4. In the event that the Court denies Plaintiffs' Motion for Summary Judgment on the grounds that it cannot resolve this case absent an administrative record, Defendants shall provide Plaintiffs the administrative record within 30 days of the Court's resolution of Plaintiffs' Motion for Summary Judgment.

SO ORDERED