

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’ UNOPPOSED MOTION TO PERMIT SKELETAL FILING OF MOTION
FOR ATTORNEYS’ FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT
WITH SUPPLEMENT PERMITTED IF NO SETTLEMENT REACHED
AND MOTION TO STAY BRIEFING**

Plaintiffs, Planned Parenthood of Greater New York, Planned Parenthood California Central Coast, and Planned Parenthood of the Heartland, respectfully request that the Court permit Plaintiffs to file a skeletal motion for attorneys’ fees and costs pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), on or before January 5, 2026, because the parties are engaged in settlement discussions regarding the attorneys’ fee issue in this case. In the interests of judicial economy, Plaintiffs request leave of the Court to file a skeletal application for attorneys’ fees and costs, which may be altered or supplemented with supporting documentation and argument in the event that the parties are not able to reach a settlement. Plaintiffs further request that the Court stay briefing in the EAJA matter, including Plaintiffs’ opportunity to alter or supplement their skeletal motion, until 30 days after notification to the Court by Plaintiffs or Defendants that they are unable to reach a settlement regarding fees and costs. Defendants do not oppose this motion.

In support of this motion, Plaintiffs state as follows:

1. The Court issued an opinion and judgment in this matter on October 7, 2025, granting Plaintiffs' motion for summary judgment. ECF Nos. 31, 33.

2. "Under EAJA, a party prevailing against the government may recover attorney's fees unless the government's position is substantially justified or special circumstances make the award unjust." *Haase v. Sessions*, 893 F.2d 370, 376 (D.C. Cir. 1990) (citing 28 U.S.C. § 2412(d)(1)(A)).

3. A party seeking attorneys' fees and other expenses must file the application within "thirty days of final judgment in the action." 28 U.S.C. § 2412(d)(1)(B). "Thus, EAJA allows for the filing for fees within thirty days after the expiration of the time for appeal." *Haase*, 893 F.2d at 376.

4. Defendants' time to appeal expired on December 5, 2025. Thus, Plaintiffs' request for attorneys' fees under EAJA is due on or before January 5, 2026. *See* 28 U.S.C. § 2412(d)(1)(B).

5. Plaintiffs and Defendants are interested in and have begun discussions in a good faith effort to reach a settlement as attorneys' fees and costs in this case. The parties need additional time to conduct settlement discussions, in part because of the intervening holidays, but intend to continue good faith efforts to resolve the issue of fees and costs through settlement discussions.

6. Pursuant to the parties' agreement and in the interests of judicial economy and to avoid undue burden on the parties and the Court, Plaintiffs request leave of the Court to file a skeletal application for attorneys' fees and costs on or before January 5, 2026, which may be altered or supplemented with supporting documentation and argument in the event that the parties are not able to reach an agreement as to the award of fees and costs in this case. Plaintiffs and/or Defendants will notify the Court if they are unable to reach a settlement agreement.

7. Plaintiffs further request that, after they file their skeletal EAJA motion, the Court stay further briefing in that matter, including Plaintiffs' opportunity to alter or supplement their motion, until 30 days after Plaintiffs or Defendants notify the Court that the parties are unable to settle the matter.

8. In the event that the parties reach a settlement agreement, Plaintiffs will withdraw their EAJA motion.

9. Undersigned counsel conferred with counsel for Defendants, who suggested and agreed to the filing of this motion.

10. For these reasons, Plaintiffs respectfully request that the Court permit them to file a skeletal motion for attorneys' fees and costs pursuant to EAJA on or before January 5, 2026, with leave to supplement the motion should a settlement not be reached on the fees issue. Plaintiffs also request that the Court stay briefing after Plaintiffs file their EAJA motion, including Plaintiffs' opportunity to alter or supplement, until 30 days after Plaintiffs or Defendants notify the Court that they are unable to reach a settlement agreement.

11. A proposed order is enclosed.

Dated: December 30, 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

* *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.*

(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*)

Melissa Shube (DC Bar # 241034)

PLANNED PARENTHOOD FEDERATION OF
AMERICA

123 William Street, 9th Floor

New York, NY 10038

Phone: (212) 261-4696

valentina.defex@ppfa.org

melissa.shube@ppfa.org

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**[PROPOSED] ORDER GRANTING PLAINTIFFS’
UNOPPOSED MOTION TO PERMIT SKELETAL FILING OF MOTION FOR
ATTORNEYS’ FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT
WITH SUPPLEMENT PERMITTED IF NO SETTLEMENT REACHED
AND MOTION TO STAY BRIEFING**

Upon consideration of Plaintiffs’ Unopposed Motion to Permit Skeletal Filing of Motion for Attorneys’ Fees Pursuant to the Equal Access to Justice Act with Supplement Permitted if No Settlement Reached and Motion to Stay Briefing, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that:

1. Plaintiffs may file a skeletal motion for attorneys’ fees and costs pursuant to the Equal Access to Justice Act (EAJA) on or before January 5, 2026, with leave to supplement the motion should a settlement not be reached on the fees issue; and

2. Briefing on Plaintiffs’ EAJA motion, including Plaintiffs’ opportunity to alter or supplement, is stayed until 30 days after Plaintiffs or Defendants notify the Court that they are unable to settle the fees matter. In the event the parties reach a settlement agreement for attorneys’ fees and costs, Plaintiffs are DIRECTED to withdraw their EAJA motion.

SO ORDERED