

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

STATE OF NEW YORK; *et al.*,

Plaintiffs,

v.

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

Defendants.

Civil Action No.
1:26-cv-00022-MRD-PAS

JOINT MOTION TO STAY PROCEEDINGS

The parties respectfully move the Court to stay all proceedings in this action in accordance with the proposed order filed contemporaneously with this motion. As outlined below, good cause exists to grant such a stay:

1. Plaintiffs commenced this action on January 13, 2026, by filing a Complaint for Declaratory and Injunctive Relief. (ECF No. 1). Their suit challenges a funding condition adopted by Defendant U.S. Department of Health and Human Services (“HHS”) for certain federal grants. (*Id.* at ¶ 1-3.) That funding condition makes certain grants contingent on the recipient certifying that they are “compliant with Title IX of the Education Amendments of 1972 . . . including requirements set forth in Presidential Executive Order 14168, titled Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” and requires the recipient to certify that the requirement is a “material term” for purposes of the False Claims Act, 31 U.S.C. § 372 *et seq.* (the “Title IX Certification”). (*Id.* ¶¶ 2-3.)

2. Plaintiffs filed an Amended Complaint on February 20, 2026. (ECF No. 24.)

3. This case is in its earliest stages. Defendants presently have until April 21, 2026 to respond to the Amended Complaint, pursuant to Rule 12(a)(2) of the Federal Rules of Civil Procedure.

4. The instant case was assigned to this Court because it is related to another case on the Court's docket: *Rhode Island Coalition Against Domestic Violence v. Kennedy*, No. 1:25-cv-342-MRD-PAS (the "Related Case") (Dkt. Entry, Jan. 15, 2026.) The Related Case challenges the same funding condition at issue in the present case—i.e., the Title IX Certification. (Compl. ¶ 99, Related Case, ECF No. 1.) In comparison to proceedings in the instant case, the Related Case has advanced further toward resolution:

a. The Court issued a preliminary injunction in the Related Case on October 23, 2025. (Am. Mem. & Order, Related Case, ECF No. 77.)

b. Defendants filed the Administrative Record in the Related Case on January 12, 2026. (Administrative Record, Related Case, ECF Nos. 93-95.)

c. Summary-judgment briefing is underway in the Related Case. (Pls' Mot. for Summ. J., Related Case, ECF No. 96.)

5. Given that both suits challenge the Title IX Certification and the Related Case is significantly closer to being adjudicated on summary judgment, the Parties propose staying the instant case pending the resolution of summary judgment in the Related Case, plus an additional amount of time for the parties to meet and confer about further proceedings in the instant case following a summary judgment ruling in the Related Case.

6. "It is beyond cavil that . . . federal district courts possess the inherent power to stay pending litigation when the efficacious management of court dockets reasonably requires such intervention." *Marquis v. FDIC*, 965 F.2d 1148, 1154 (1st Cir. 1992). "Of course, stays cannot be cavalierly dispensed: there must be good

cause for their issuance; they must be reasonable in duration; and the court must ensure that competing equities are weighed and balanced.” *Id.* at 1155.

7. Good cause exists to grant the requested stay in this action. Namely, issuance of the stay will conserve the parties’ resources and those of the Court because the outcome of the Related Case has the potential to either dispose of, or at the very least, narrow, the issues for adjudication in the instant case.

8. The length of the stay the parties propose is reasonable in duration. No other deadlines have yet been established in this case given its early preliminary posture.

WHEREFORE, the parties respectfully request that the Court enter the proposed order filed contemporaneously herewith.

Dated: March 6, 2026

LETITIA JAMES

Attorney General of New York

By: /s/ Galen Leigh Sherwin
GALEN LEIGH SHERWIN
Special Counsel for Reproductive Justice
RABIA MUQADDAM
Chief Counsel for Federal Initiatives
ANNE CHAMPION
Special Counsel for Federal Initiatives
COLLEEN K. FAHERTY
Special Trial Counsel
MATTHEW FAIELLA
Special Counsel for LGBTQIA Rights
RACHEL HANNAFORD
Senior Enforcement Counsel
28 Liberty Street
New York, NY 10005
(212) 416-6183
Galen.Sherwin@ag.ny.gov
Rabia.Muqaddam@ag.ny.gov
Anne.Champion@ag.ny.gov
Colleen.Faherty@ag.ny.gov
Matthew.Faiella@ag.ny.gov
Rachel.Hannaford@ag.ny.gov

Counsel for Plaintiff State of New York

DAN RAYFIELD

Attorney General of Oregon

By: /s/ Leanne Hartmann
LEANNE HARTMANN OSB # 257503
Senior Assistant Attorney General
CARTER BRACE OSB #243828
Assistant Attorney General
100 SW Market Street
Portland, OR 97201
(971) 673-1880
Leanne.Hartmann@doj.oregon.gov
Carter.Brace@doj.oregon.gov

Counsel for Plaintiff State of Oregon

Respectfully submitted,

CHARLES C. CALEND

United States Attorney

By: /s/ Andrea Hyatt
ANDREA HYATT
Assistant U.S. Attorney
KEVIN BOLAN
Assistant U.S. Attorney
One Financial Plaza, 17th Floor
Providence, RI 02903
(401) 709-5000
(401) 709-5001 (Fax)
Andrea.Hyatt@usdoj.gov
Kevin.Bolan@usdoj.gov

*Counsel for Defendants U.S. Department of
Health and Human Services, et al.*

ROB BONTA

Attorney General for the State of
California

By: /s/ Crystal Adams
CRYSTAL ADAMS
Deputy Attorney General
MICHAEL L. NEWMAN
NELI PALMA
Senior Assistant Attorneys General
KATHLEEN BOERGERS
JOEL MARRERO
Supervising Deputy Attorneys General
KATHERINE MILTON
BRIAN BILFORD
Deputy Attorneys General
1515 Clay Street
Oakland, CA 94612-1499
(408) 679-7010
Crystal.Adams@doj.ca.gov
Michael.Newman@doj.ca.gov
Neli.Palma@doj.ca.gov
Kathleen.Boergers@doj.ca.gov
Joel.Marrero@doj.ca.gov
Katherine.Milton@doj.ca.gov
Brian.Bilford@doj.ca.gov

Counsel for Plaintiff State of California

PHILIP J. WEISER

Attorney General of Colorado

By: /s/ David Moskowitz

DAVID MOSKOWITZ

Deputy Solicitor General

SAM WOLTER

Assistant Attorney General

1300 Broadway, 10th Floor

Denver, CO 80203

720-508-6000

david.moskowitz@coag.govsamuel.wolter@coag.gov*Counsel for Plaintiff State of Colorado***KWAME RAOUL**

Attorney General State of Illinois

By: /s/ Caitlyn G. McEllis

CAITLYN G. MCELLIS

Senior Policy Counsel

ALEEZA STRUBEL

Complex Litigation Counsel

ELENA METH

Assistant Attorney General

Office of the Illinois Attorney General

115 S. LaSalle Street

Chicago, IL 60603

312-814-3000

Caitlyn.McEllis@ilag.govAleeza.Strubel@ilag.govElena.Meth@ilag.gov*Counsel for Plaintiff State of Illinois***KEITH ELLISON**

Attorney General of Minnesota

By: /s/ Katherine Bies

KATHERINE BIES

Assistant Attorney General

Office of the Minnesota Attorney General

445 Minnesota Street, Suite 600

St. Paul, Minnesota 55101

(651) 300-0917

Katherine.Bies@ag.state.mn.us*Counsel for Plaintiff State of Minnesota***KATHLEEN JENNINGS**

Attorney General of Delaware

By: /s/ Ian R. Liston

IAN R. LISTON

Director of Impact Litigation

VANESSA L. KASSAB

Deputy Attorney General

Delaware Department of Justice

820 N. French Street

Wilmington, DE 19801

(302) 683-8875

Ian.Liston@delaware.govVanessa.Kassab@delaware.gov*Counsel for Plaintiff State of Delaware***DANA NESSEL**

Attorney General of Michigan

By: /s/ Daniel J. Ping

DANIEL J. PING

NEIL GIOVANATTI

Assistant Attorneys General

Michigan Department of Attorney General

525 W. Ottawa

Lansing, MI 48909

(517) 335-7603

PingD@michigan.govGiovanattiN@michigan.gov*Counsel for Plaintiff State of Michigan***AARON D. FORD**

Attorney General of Nevada

By: /s/ K. Brunetti Ireland

K. BRUNETTI IRELAND

Chief of Special Litigation

Office of the Nevada Attorney General

1 State of Nevada Way, Ste. 100

Las Vegas, NV 89119

kireland@ag.nv.gov*Counsel for Plaintiff State of Nevada*

RAÚL TORREZ

Attorney General of New Mexico

By: /s/ Amy Senier

AMY SENIER

Senior Counsel

New Mexico Department of Justice

P.O. Drawer 1508

Santa Fe, NM 87504-1508

505-490-4060

asenier@nmdoj.gov*Counsel for Plaintiff State of New Mexico***CHARITY R. CLARK**

Attorney General of Vermont

By: /s/ Samuel B. Stratton

SAMUEL B. STRATTON

Assistant Attorney General

Office of the Vermont Attorney General

109 State Street

Montpelier, VT 05609

(802) 828-3171

sam.stratton@vermont.gov*Counsel for Plaintiff State of Vermont***PETER F. NERONHA**

Attorney General of Rhode Island

By: /s/ Sarah W. Rice

SARAH W. RICE (Bar No. 10465)

*Deputy Chief, Public Protection Bureau**Assistant Attorney General*

JULIA C. HARVEY (Bar No. 10529)

Special Assistant Attorney General

150 South Main Street

Providence, RI 02903

(401) 274-4400, Ext. 2054

srice@riag.ri.govjharvey@riag.ri.gov*Counsel for Plaintiff State of Rhode Island***NICHOLAS W. BROWN**

Attorney General of Washington

By: /s/ Sarah E. Smith-Levy

SARAH E. SMITH-LEVY, WSBA #55770

LUCY WOLF, WSBA #59028

KELSEY ENDRES, WSBA #39409

Assistant Attorneys General

Complex Litigation Division

800 Fifth Avenue, Suite 2000

Seattle, Washington 98104

(206) 464-7744

sarah.e.smith-levy@atg.wa.govlucy.wolf@atg.wa.govkelsey.endres@atg.wa.gov*Counsel for Plaintiff State of Washington*

CERTIFICATE OF SERVICE

I hereby certify that, on March 6, 2026, I filed the foregoing document through this Court's Electronic Case Filing (ECF) system, thereby serving it upon all registered users in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rule Gen 304.

/s/ Andrea Hyatt

ANDREA HYATT

Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

STATE OF NEW YORK; *et al.*,

Plaintiffs,

v.

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

Defendants.

Civil Action No.
1:26-cv-00022-MRD-PAS

[PROPOSED] ORDER STAYING PROCEEDINGS

Good cause having been shown, the Court hereby orders:

1. Proceedings in this action are stayed pending resolution of the motions for summary judgment filed in *Rhode Island Coalition Against Domestic Violence v. Kennedy*, 1:25-cv-00342-MRD-PAS (D.R.I. Oct. 25, 2025) (“Related Case”), and thereafter until the parties submit their status report and proposal pursuant to Paragraph 4 (or as otherwise agreed by the parties and ordered by the Court).

2. During the pendency of the stay of proceedings of this action, Defendants agree to stay enforcement of the Title IX Certification (as described in Plaintiffs’ complaint filed on January 13, 2026 (ECF No. 1¹)) as to Plaintiffs in this action commensurate with the terms of the preliminary injunction entered in the Related Case (ECF No. 77), unless otherwise agreed by the parties or ordered by the Court.

¹ The “Title IX Certification” described in Plaintiffs’ Complaint is the funding condition issued by the U.S. Department of Health and Human Services on October 1, 2025 that makes certain grants contingent on the recipient certifying that they are “compliant with Title IX of the Education Amendments of 1972 . . . including requirements set forth in Presidential Executive Order 14168, titled *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*” and requires the recipient to certify that the requirement is a “material term” for purposes of the False Claims Act, 31 U.S.C. § 372 *et seq.*

3. The stay of enforcement shall apply to Plaintiff States, and all Plaintiff State Recipients, including Plaintiff State instrumentalities, agencies, subdivisions, grant administrators, and sub-grantees.

4. Within 20 business days of the resolution of the motions for summary judgment in the Related Case, the parties shall meet and confer in good faith regarding further proceedings in this action. Following that meet and confer, the parties shall submit a status report and proposal to the Court as to those further proceedings. If the parties are unable to reach agreement as to those further proceedings, they shall so indicate in their status report and proposal.

5. Plaintiffs reserve all rights to seek relief as to the Title IX Certification, including to seek preliminary relief, summary judgment, or file any other motion before the Court following resolution of the summary judgment motions in the Related Case and the lifting of the stay of this action. Plaintiffs also reserve all rights to seek relief from this Court or any other court as to any change or modification of the Title IX Certification by any of Defendants or its officials, or other attempts to implement Executive Order 14168, following the date of this order. Defendants likewise reserve all rights to defend the Title IX Certifications in further proceedings in this or other forums, including the right to cite any helpful precedent that may arise from the Related Case.

6. The parties agree that if any party to this action wishes to seek relief from the stay of this action, the parties will meet and confer in good faith. If the parties are unable to reach an agreement, the party or parties seeking relief may move the court to lift the stay for good cause shown.

7. The stay of proceedings and stay of enforcement are without prejudice to any party.

Agreed by the parties through their respective counsel:

Agreed to:

LETITIA JAMES
Attorney General of New York

By: /s/ Galen Leigh Sherwin
GALEN LEIGH SHERWIN
Special Counsel for Reproductive Justice
RABIA MUQADDAM
Chief Counsel for Federal Initiatives
ANNE CHAMPION
Special Counsel for Federal Initiatives
COLLEEN K. FAHERTY
Special Trial Counsel
MATTHEW FAIELLA
Special Counsel for LGBTQIA Rights
RACHEL HANNAFORD
Senior Enforcement Counsel
28 Liberty Street
New York, NY 10005
(212) 416-6183
Galen.Sherwin@ag.ny.gov
Rabia.Muqaddam@ag.ny.gov
Anne.Champion@ag.ny.gov
Colleen.Faherty@ag.ny.gov
Matthew.Faiella@ag.ny.gov
Rachel.Hannaford@ag.ny.gov

Counsel for Plaintiff State of New York

DAN RAYFIELD
Attorney General of Oregon

By: /s/ Leanne Hartmann
LEANNE HARTMANN OSB # 257503
Senior Assistant Attorney General
CARTER BRACE OSB #243828
Assistant Attorney General
100 SW Market Street
Portland, OR 97201
(971) 673-1880
Leanne.Hartmann@doj.oregon.gov
Carter.Brace@doj.oregon.gov

Counsel for Plaintiff State of Oregon

CHARLES C. CALEDA
United States Attorney

By: /s/ Andrea Hyatt
ANDREA HYATT
Assistant U.S. Attorney
KEVIN BOLAN
Assistant U.S. Attorney
One Financial Plaza, 17th Floor
Providence, RI 02903
(401) 709-5000
(401) 709-5001 (Fax)
Andrea.Hyatt@usdoj.gov
Kevin.Bolan@usdoj.gov

Counsel for Defendants U.S. Department of Health and Human Services, et al.

ROB BONTA
Attorney General for the State of California

By: /s/ Crystal Adams
CRYSTAL ADAMS
Deputy Attorney General
MICHAEL L. NEWMAN
NELI PALMA
Senior Assistant Attorneys General
KATHLEEN BOERGERS
JOEL MARRERO
Supervising Deputy Attorneys General
KATHERINE MILTON
BRIAN BILFORD
Deputy Attorneys General
1515 Clay Street
Oakland, CA 94612-1499
(408) 679-7010
Crystal.Adams@doj.ca.gov
Michael.Newman@doj.ca.gov
Neli.Palma@doj.ca.gov
Kathleen.Boergers@doj.ca.gov
Joel.Marrero@doj.ca.gov
Katherine.Milton@doj.ca.gov
Brian.Bilford@doj.ca.gov

Counsel for Plaintiff State of California

PHILIP J. WEISER
Attorney General of Colorado

By: /s/ David Moskowitz
DAVID MOSKOWITZ
Deputy Solicitor General
SAM WOLTER
Assistant Attorney General
1300 Broadway, 10th Floor
Denver, CO 80203
720-508-6000
david.moskowitz@coag.gov
samuel.wolter@coag.gov

Counsel for Plaintiff State of Colorado

KWAME RAOUL
Attorney General State of Illinois

By: /s/ Caitlyn G. McEllis
CAITLYN G. MCELLIS
Senior Policy Counsel
ALEEZA STRUBEL
Complex Litigation Counsel
ELENA METH
Assistant Attorney General
Office of the Illinois Attorney General
115 S. LaSalle Street
Chicago, IL 60603
312-814-3000
Caitlyn.McEllis@ilag.gov
Aleeza.Strubel@ilag.gov
Elena.Meth@ilag.gov

Counsel for Plaintiff State of Illinois

KEITH ELLISON
Attorney General of Minnesota

By: /s/ Katherine Bies
KATHERINE BIES
Assistant Attorney General
Office of the Minnesota Attorney General
445 Minnesota Street, Suite 600
St. Paul, Minnesota 55101
(651) 300-0917
Katherine.Bies@ag.state.mn.us

Counsel for Plaintiff State of Minnesota

KATHLEEN JENNINGS
Attorney General of Delaware

By: /s/ Ian R. Liston
IAN R. LISTON
Director of Impact Litigation
VANESSA L. KASSAB
Deputy Attorney General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 683-8875
Ian.Liston@delaware.gov
Vanessa.Kassab@delaware.gov

Counsel for Plaintiff State of Delaware

DANA NESSEL
Attorney General of Michigan

By: /s/ Daniel J. Ping
DANIEL J. PING
NEIL GIOVANATTI
Assistant Attorneys General
Michigan Department of Attorney General
525 W. Ottawa
Lansing, MI 48909
(517) 335-7603
PingD@michigan.gov
GiovanattiN@michigan.gov

Counsel for Plaintiff State of Michigan

AARON D. FORD
Attorney General of Nevada

By: /s/ K. Brunetti Ireland
K. BRUNETTI IRELAND
Chief of Special Litigation
Office of the Nevada Attorney General
1 State of Nevada Way, Ste. 100
Las Vegas, NV 89119
kireland@ag.nv.gov

Counsel for Plaintiff State of Nevada

RAÚL TORREZ

Attorney General of New Mexico

By: /s/ Amy Senier

AMY SENIER

Senior Counsel

New Mexico Department of Justice

P.O. Drawer 1508

Santa Fe, NM 87504-1508

505-490-4060

asenier@nmdoj.gov

Counsel for Plaintiff State of New Mexico

CHARITY R. CLARK

Attorney General of Vermont

By: /s/ Samuel B. Stratton

SAMUEL B. STRATTON

Assistant Attorney General

Office of the Vermont Attorney General

109 State Street

Montpelier, VT 05609

(802) 828-3171

sam.stratton@vermont.gov

Counsel for Plaintiff State of Vermont

PETER F. NERONHA

Attorney General of Rhode Island

By: /s/ Sarah W. Rice

SARAH W. RICE (Bar No. 10465)

Deputy Chief, Public Protection Bureau

Assistant Attorney General

JULIA C. HARVEY (Bar No. 10529)

Special Assistant Attorney General

150 South Main Street

Providence, RI 02903

(401) 274-4400, Ext. 2054

srice@riag.ri.gov

jharvey@riag.ri.gov

Counsel for Plaintiff State of Rhode Island

NICHOLAS W. BROWN

Attorney General of Washington

By: /s/ Sarah E. Smith-Levy

SARAH E. SMITH-LEVY, WSBA #55770

LUCY WOLF, WSBA #59028

KELSEY ENDRES, WSBA #39409

Assistant Attorneys General

Complex Litigation Division

800 Fifth Avenue, Suite 2000

Seattle, Washington 98104

(206) 464-7744

sarah.e.smith-levy@atg.wa.gov

lucy.wolf@atg.wa.gov

kelsey.endres@atg.wa.gov

Counsel for Plaintiff State of Washington

IT IS SO ORDERED

Dated: _____, 2026.

Hon. Melissa R. DuBose
United States District Court Judge
District of Rhode Island