

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 EXTEND STAY

The parties respectfully move the Court to extend the stay of 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 the 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. 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.)

4. While the instant case was still in its preliminary stages, the parties jointly moved for a stay pending the outcome of summary-judgment in the Related Case, because the Related Case was much further along—i.e., summary-judgment briefing was already underway—and had the potential to dispose of or significantly narrow the issues for adjudication. (ECF No. 29.)

5. This Court granted the parties’ joint motion for a stay on March 12, 2026. (ECF No. 30.) Pursuant to that Order, the instant case was stayed pending the resolution of summary-judgment motions in the Related Case, plus an additional amount of time for the parties to meet and confer and submit a joint proposal about further proceedings in the instant case following a summary judgment ruling in the Related Case.

6. Meanwhile, in the Related Case, this Court granted summary judgment for the plaintiffs on August 14, 2026, ordering, *inter alia*, that the same funding condition challenged in the instant case be vacated in its entirety, and entered final judgment in favor of the plaintiffs in that case. (See Related Case, ECF Nos. 104-105.)

7. HHS is currently considering the impact of the summary-judgment decision in the Related Case on its operations and evaluating its procedural options, including whether to file a Notice of Appeal in the Related Case. To allow HHS sufficient time to finish that evaluation, the parties propose extending the stay of the instant case at least until the deadline for HHS to file a Notice of Appeal passes in the Related Case. (Under Federal Rule of Civil Procedure 4(a)(1)(B), the current

deadline to file a Notice of Appeal is October 13, 2026, but the defendants in the Related Case reserve the right to seek an extension of that deadline.)

8. If HHS files a Notice of Appeal in the Related Case before the deadline to do so expires, the parties jointly request that the stay in this case be further extended until the final resolution of the appeal in the Related Case, including the resolution of any petition for certiorari and merits appeal, if certiorari is granted by the U.S. Supreme Court, plus an additional amount of time for the parties to meet and confer and submit a joint proposal about how to proceed in the instant case.

9. If HHS does not file a Notice of Appeal in the Related Case before the deadline to do so expires, then the parties agree that they will meet and confer regarding further proceedings in this case within 30 days' of the expiration of HHS's deadline to appeal.

10. "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.

11. 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, if HHS does not appeal the judgment in the Related Case, the summary-judgment decision in the Related Case has the potential to either dispose of, or at the very least, narrow, the issues for adjudication in the instant case.

12. 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: September 28, 2026

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CERTIFICATE OF SERVICE

I hereby certify that, on September 29, 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

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UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

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[PROPOSED] ORDER STAYING PROCEEDINGS

Good cause having been shown, the Court hereby orders:

1. Pursuant to a joint request from the parties, this Court further stays proceedings in this action pending the expiration of the deadline for Defendant U.S. Department of Health and Human Services (“HHS”) to file a Notice of Appeal in *Rhode Island Coalition Against Domestic Violence v. Kennedy*, 1:25-cv-00342-MRD-PAS (D.R.I. Oct. 25, 2025) (“Related Case”), or pending the resolution of appellate proceedings in the Related Case, and thereafter until the parties submit their status report and proposal.

2. In the Related Case, this Court ordered that the Title IX Certification challenged in this action must be vacated, ECF 104 at 12-13 (Aug. 14, 2026), and entered judgment in favor of the plaintiffs in that case, ECF 105 (Aug 14, 2026). Accordingly, during the pendency of the stay of proceedings of this action, Defendants agree to further stay enforcement of the Title IX Certification (as described in Plaintiffs’ complaint filed on January 13, 2026 (ECF No. 1¹)) as to

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

Plaintiffs in this action, commensurate with the terms of the vacatur entered in the Related Case (ECF Nos. 104 - 105), unless otherwise agreed by the parties or ordered by the Court.

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. If HHS files a Notice of Appeal in the Related Case before the deadline to do so expires, the stay shall be further extended until the final resolution of the appeal in the Related Case, including the resolution of any petition for certiorari and merits appeal, if certiorari is granted by the U.S. Supreme Court, plus an additional amount of time for the parties to meet and confer and submit a joint proposal about how to proceed in the instant case, pursuant to Paragraph 6, below.

5. If HHS does not file a Notice of Appeal in the Related Case before the deadline to do so expires, then the parties agree that they will meet and confer regarding further proceedings in this case within 30 days' of the expiration of HHS's deadline to appeal.

6. 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.

7. 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 any appeal in the Related Case and the lifting of the stay of this action. Plaintiffs also reserve all rights to seek

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.*

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.

8. 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.

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

Agreed by the parties through their respective counsel:

Agreed to:

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IT IS SO ORDERED

Hon. Melissa R. DuBose
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Dated: _____, 2026.