

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. 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
United States District Court Judge
District of Rhode Island

Dated: October 5, 2026.