

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

DALLAS COUNTY, TEXAS,

Plaintiff,

v.

ROBERT F. KENNEDY, JR., Secretary,  
United States Department of Health and  
Human Services, et al.,

Defendants.

Case No.: 25-4242 (CRC)

**MOTION TO STAY PROCEEDINGS, OR IN THE ALTERNATIVE  
MOTION TO EXTEND**

Defendants, Robert F. Kennedy, Jr., Secretary, United States Department of Health and Human Services, United States Department of Health and Human Services, Jim O'Neill, Acting Director, Centers for Disease Control and Prevention, by and through undersigned counsel, respectfully request that the Court stay litigation and all proceedings in this matter until the D.C. Circuit Court of Appeals issues an opinion in *Climate United Fund v. Citibank*, D.C. Cir. No. 25-5122. Alternatively, pursuant to Federal Rule of Civil Procedure 6(b), Defendants respectfully move this Court for a seven-day extension of time, from February 20, 2026, up to and including February 27, 2026, to reply in support of its Motion to Dismiss in the above-captioned matter. Pursuant to Local Rule 7(m), Defendants have consulted Plaintiff regarding these requests. Plaintiff opposes the requested stay but consents to the requested extension. In support of this motion, Defendants state as follows:

1. On December 5, 2025, Plaintiff filed its Complaint (ECF No. 1), and on December 8, 2025, Plaintiff filed its Motion for Preliminary Injunction (ECF No. 5). Defendants filed their

Motion to Dismiss and Opposition to Plaintiff’s Motion for Preliminary Injunction on January 16, 2026 (“Defendants’ Motion”) (ECF No. 11). On February 6, 2026, Plaintiff filed its Response to Defendants’ Motion (ECF Nos. 13).

2. Both Defendants’ Motion and Plaintiff’s Response argue whether the Tucker Act divests this Court of jurisdiction over many of the claims raised by Plaintiff. *See* ECF Nos. 11 and 13.

3. This Court previously ordered a stay of proceedings in *Harris Cnty., et al. v. Kennedy, et al.*, Civ. No. 25-1275 (CRC) (January 23, 2026), pending the D.C. Circuit’s issuance of an opinion in *Climate United Fund*. *See Harris Cnty., Civ. No. 25-1275*, ECF No. 62.

4. The issues raised in *Harris Cnty.* are substantially similar to the issues raised in the present matter as they concern the termination of COVID-19 era grants by the same Defendants, challenged by cities seeking reinstatement of those funds.

5. Moreover, the reasons given by the Defendants in Harris County – the same Defendants in the instant litigation – are relevant here. As stated by the Defendants in their January 16, 2026, Joint Status Report, in the Harris County matter:

“It is undisputed that *Climate United* would provide binding authority on dispositive questions of law, where this Court repeatedly referred to the “considerable legal uncertainty” surrounding the Tucker Act in the grant termination context, and observed that the Supreme Court’s recent decision in *Department of Education v. California*, 604 U.S. 650 (2025) “left many questions unanswered.”

*Harris Cnty. v. Kennedy*, Civ. No. 25-1275 (CRC) (ECF No. 60) (citing *Harris Cnty. v. Kennedy*, 786 F. Supp. 3d 194, 216-217, 223 (D.D.C. 2025)). Because this case is substantially similar, it also should be stayed.

6. Should this Court decide in its’ discretion not to stay this case, Defendants request a 7-day extension of time to file their Reply in Support of their Motion to Dismiss.

7. The extension is requested in good faith and not for the purpose of delay. *See generally* Fed. R. Civ. P. 6(b)(1) (“A schedule may be modified only for good cause and with the judge’s consent.”).

8. On February 18, 2026, Plaintiff’s counsel informed undersigned counsel that it would be filing an errata with the Court to amend discrepancies with their Response Brief filed on February 6, 2026. In accordance with this notice, Plaintiff provided Defendants a table consisting of approximately twenty-seven proposed corrections.

9. Defendants request a 7-day extension to review the forthcoming errata purportedly correcting Plaintiff’s Response Brief to determine and address any corresponding corrections needed prior to filing their Reply Brief.

10. This is Defendant’s first request for an extension of time.

11. No party will be prejudiced by the proposed extension, as evidenced by Plaintiff’s consent, and due to the early posture of this case.

WHEREFORE, Defendants respectfully request that this Court stay all proceedings until the D.C. Circuit Court of Appeals issues an opinion in *Climate United Fund v. Citibank*, D.C. Cir. No. 25-5122. Oral argument is scheduled for Tuesday, February 24, 2026, at 9:30 am. Alternatively, For the reasons stated, Defendants respectfully request that the Court grant a seven-day extension of time, up to and including Friday, February 27, 2026, to file its Reply in support of its Motion to Dismiss. A proposed order is attached.

\* \* \*

Dated: February 20, 2026

Respectfully submitted,

JEANINE FERRIS PIRRO  
United States Attorney

By: /s/ Zachary J. Krizel  
ZACHARY J. KRIZEL  
Assistant United States Attorney  
601 D Street, N.W.  
Washington, D.C. 20530  
Telephone: (202) 252-2550  
Zachary.Krizel@usdoj.gov

*Attorneys for the United States of America*