

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HENNEPIN COUNTY, MINNESOTA, et al.

Plaintiffs,

v.

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

Defendants.

Civil Action No. 26-2460 (CRC)

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION
FOR EMERGENCY STATUS CONFERENCE**

Defendants the U.S. Department of Health and Human Services (the "Department") and Robert F. Kennedy, Jr., in his capacity as Secretary of the Department, respectfully submit this opposition to Plaintiffs' Motion for Emergency Status Conference filed on this date.

Defendants oppose Plaintiffs' request because Plaintiffs do not identify a compelling need for another emergency hearing. The Court recently set a briefing schedule for the parties' anticipated cross-motions for summary judgment and entered an order suspending the lapse of Fiscal Year 2026 Teen Pregnancy Prevention Program funds. Order (ECF No. 41) at 4. The same order confirmed that Defendants may "spend[] some or all of the funds during the pendency of this litigation," *id.* at 3, and did not adopt Plaintiffs' proposal to require notification to Plaintiffs prior to obligation of the relevant funds, *see* ECF No. 40 at 7. As Defendants have long made clear, "appropriated funds can be obligated through numerous mechanisms," including those described in Defendants' opposition to Plaintiffs' motion to hold funds filed earlier this month. ECF No. 38 at 11.

Although Plaintiffs report “heighten[ed] . . . concerns” about the agency’s reported plans for Tier 1 funding (Mot. at 2), they do not contend that Defendants have violated this Court’s order or acted in furtherance of the “2026 Policy.” Instead, they ask in general terms for the Court to infer that the agency’s reported plans for Tier 1 funds “may be an attempt to conduct an end run around the agency’s obligations.” Mot. at 3. Whether Plaintiffs’ motion for an emergency conference is understood as requesting that the Court revisit its prior determinations, *see* Fed. R. Civ. P. 54(b), or attempting to seek discovery in search of future claims against Defendants unrelated to the “2026 Policy,” Plaintiffs have not even attempted to make the requisite showings. The Court should deny their request.

Dated: September 24, 2026

Respectfully submitted,

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[PROPOSED] ORDER

UPON CONSIDERATION of Plaintiffs' Motion for Emergency Status Conference, Defendants' Opposition thereto, and the entire record herein, it is hereby ORDERED that Plaintiffs' motion is DENIED.

SO ORDERED.

Dated:

CHRISTOPHER R. COOPER
United States District Judge