

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' MOTION TO MODIFY BRIEFING SCHEDULE

Pursuant to Federal Rule of Civil Procedure 6(b), 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 move to modify the briefing schedule entered by this Court for Plaintiffs’ Motion for Stay and Preliminary Injunction (ECF No. 14, “Motion”). Plaintiffs oppose this motion and have indicated that they intend to file an opposition. Nonetheless, as demonstrated below, good cause supports granting this extension. A proposed order is attached.

In support of their Motion, Defendants state as follows:

1. Plaintiffs filed their Complaint (ECF No. 1, “Compl.”) and their Motion for Stay and Preliminary Injunction on July 15, 2026. Both the Complaint and the Motion challenge Notices of Funding Opportunities issued by the Department on June 23, 2026, and cooperative agreement terminations effectuated on June 26, 2026. Compl. ¶ 5.

2. In a Minute Order entered on July 15, 2026, this Court indicated that “[a]bsent any alternative proposed briefing schedule from the parties,” Defendants must file their opposition to the Motion by July 22, 2026, and Plaintiffs must file any reply in support of their Motion by July

28, 2026. The parties conferred on July 16 and 17, 2026 regarding potential alternative briefing schedules, but have not been able to reach an agreement.

3. Defendants respectfully submit that the briefing schedule should be modified such that their opposition to Plaintiffs' Motion be due by July 29, 2026, with any reply date to be set at the Court's discretion. Good cause supports this request because additional time is required for this Office to consult with Department counsel and assemble and present factual matter and legal argument in support of Defendants' position. An orderly exposition of points and authorities by all parties in this litigation will facilitate the Court's consideration of the merits of the parties' respective positions, "thus ensuring that its exposition of the law is sound and just." *Adair v. England*, 417 F. Supp. 2d 1, 10 (D.D.C. 2006).

4. Although Plaintiffs appear to believe that greater expedition is necessary, Defendants respectfully submit that this claim is difficult to square with Plaintiffs' own conduct in this litigation. After the Department's challenged actions on June 23 and June 26, Plaintiffs spent 22 days and 19 days (respectively) to prepare and file their Complaint and their 45-page Motion on July 15. Plaintiffs would presumably defend that delay by arguing that the time was required, in Plaintiffs' judgment, for the orderly presentation of the issues despite the considerable resources at their disposal. *See* ECF No. 1 at 28–30 (signature block); ECF Nos. 3–9, 11–13, 17–18, 21 (notices of appearance and *pro hac vice* motions). In these circumstances, a modest extension of just seven days is appropriate for Defendants to prepare their opposition to Plaintiffs' motion.

Dated: July 17, 2026

Respectfully submitted,

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[PROPOSED] ORDER

UPON CONSIDERATION of Defendants' Motion to Modify Briefing Schedule, it is hereby ORDERED that Defendants' motion is GRANTED. Defendants shall respond to Plaintiffs' Motion for Stay and Preliminary Injunction by July 29, 2026.

SO ORDERED.

Dated:

CHRISTOPHER R. COOPER
United States District Judge