

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.

Case No. 26-cv-2460 (CRC)

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION
TO MODIFY BRIEFING SCHEDULE**

Plaintiffs respectfully oppose Defendants' motion to modify the schedule this Court set on July 15 for briefing on Plaintiffs' motion for a 5 U.S.C. § 705 stay and preliminary injunction. Three weeks ago, Defendants implemented a new policy for the Teen Pregnancy Prevention (TPP) Program that is inconsistent with Congress's parameters and rejects proven, evidence-based strategies to reduce teen pregnancy rates. As detailed in Plaintiffs' motion, Defendants abruptly announced notices of funding opportunity (NOFOs) that conditioned TPP Program funding on new agency policy preferences, while contemporaneously effecting a mass termination of existing cooperative agreements, effective immediately. Defendants transformed an existing program, without prior notice, toward the end of the annual budget period for awards, in the middle of multi-year cooperative agreements, and just a few months before the appropriation will expire. The chaos resulting from these actions is an "urgent situation . . . of Defendants' own creation." *See* Minute Order, *Am. Acad. of Pediatrics v. HHS*, No. 25-cv-4505 (D.D.C. Dec. 29, 2025) (denying defendants' motion for extension of time to oppose motion for preliminary relief).

Plaintiffs face severe and irreparable harms stemming from the new policy. Dkt. No. 14-1 at 42–44. Defendants’ actions have already forced Plaintiffs to begin closing down critical sexual health education programs, cancel planned training sessions, and start the process of laying off staff members with invaluable expertise and experience. *Id.* at 42–43. Unwinding these ongoing harms will become increasingly difficult. *Id.* at 43–44. With a new school year approaching, and preparations already under way, Plaintiffs need clarity on whether they will be able to maintain their commitments to community partners, school districts, and clinics. *Id.* And the July 23 deadline to apply under the new NOFOs is rapidly approaching, after which Defendants can quickly issue new awards, obligating the TPP funding to programs inconsistent with Congress’s design.

On the other side of the ledger, Defendants offer no persuasive reason to depart from the schedule set by this Court and Local Civil Rule 65.1(c). They state only that they seek “additional time . . . to consult with Department [of Health and Human Services] counsel and assemble and present factual matter and legal argument in support of Defendants’ position.” Dkt. No. 22 ¶ 3. Of course, “additional time” to prepare briefing is always helpful, but Defendants fail to explain why the standard seven-day deadline is insufficient in this case. Meanwhile, Defendants’ suggestion that Plaintiffs have not acted expeditiously is baseless: Plaintiffs filed this action less than three weeks after Defendants made their policy known by issuing the new NOFOs and effectuating the mass termination of TPP Program awards, and Plaintiffs sought preliminary relief the next day.

Finally, Plaintiffs offered a compromise proposal for briefing, noting that they would consent to an extension of Defendants’ opposition deadline to July 27—and would agree to shorten their own deadline for a reply to July 31—if Defendants would agree to extend the application date for the new NOFOs to August 7, providing additional time for the Court to consider Plaintiffs’

motion before the NOFOs' current deadline. Defendants declined that compromise. *Cf.* Minute Order, *Am. Acad. of Pediatrics*, No. 25-cv-4505, *supra* (denying extension and noting that defendants had not agreed to any "suspension or delay in the effective date of the [award] termination decision during the pendency of this litigation").

* * *

Defendants' motion to modify the briefing schedule should be denied.

Date: July 18, 2026

Respectfully submitted,

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**[PROPOSED] ORDER DENYING DEFENDANTS' OPPOSED MOTION TO MODIFY
BRIEFING SCHEDULE**

Upon consideration of Defendants' opposed motion to modify briefing schedule, Plaintiffs' opposition to that motion, and the entire record in this case, it is hereby

ORDERED that Defendants' motion is **DENIED**.

SO ORDERED.

Dated: _____, 2026

HON. CHRISTOPHER R. COOPER
UNITED STATES DISTRICT JUDGE