

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STATE OF NEW JERSEY, *et al.*,

Plaintiffs,

v.

U.S. OFFICE OF MANAGEMENT
AND BUDGET, *et al.*,

Defendants.

Case No. 1:25-cv-11816-IT

**DEFENDANTS' MOTION TO STAY REPLY BRIEF
DEADLINE DUE TO LAPSE IN APPROPRIATIONS**

The United States of America hereby moves for a stay of Defendants' November 14, 2025 deadline to file a reply brief in this case. As good cause for this request, the United States offers the following:

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive Branch agencies, including the agencies named as Defendants in this case. The Department does not know when such funding will be restored by Congress.

2. Absent an appropriation, attorneys at the Department of Justice are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. The same is true for most employees of most of the agencies named as Defendants in this case.

3. Undersigned counsel for the Department of Justice therefore requests a stay of Defendants' November 14, 2025 deadline to file a reply brief in this case, until Congress has restored appropriations.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds. The Government requests that, at that point, the deadline be extended commensurate with the duration of the lapse in appropriations—*i.e.*, Defendants reply brief would be due four weeks from the date that appropriations are restored (rather than four weeks from the filing of Plaintiffs’ brief on October 17, as under the current schedule).

5. Before filing this motion, counsel for Defendants conferred with counsel for Plaintiffs, who reported that Plaintiffs oppose the relief requested in this motion.

6. During the meet-and-confer process, Plaintiffs did not dispute any of the points raised above about the legal requirements of the Anti-Deficiency Act. More generally, Plaintiffs have never filed any sort of motion seeking any form of time-sensitive injunctive relief in this case, and have instead litigated the case at a reasonable pace. They filed their complaint in late-June 2025, even though it targets events that Plaintiffs allege took place “[i]n the first few weeks of the Trump Administration.” Compl. ¶ 7, ECF No. 1 (June 24, 2025). Plaintiffs then filed an amended complaint in late-July 2025, making mostly immaterial and cosmetic changes. *See generally* Am. Compl., ECF No. 64 (July 31, 2025). And on July 25, 2025, Plaintiffs agreed to a schedule that would have briefing completed almost four months later, on November 14, 2025. Joint Mot. for Scheduling order, ECF No. 61 (July 25, 2025). Although counsel for Defendants appreciate that the parties have thus far been able to work collaboratively on scheduling matters in this case—and hope that collaboration will continue—Defendants respectfully submit that Plaintiffs’ own litigation decisions thus far refute any notion that this case presents the sort of time-sensitive emergency that could overcome the legal requirements of the Anti-Deficiency Act.

7. Therefore, although we greatly regret any disruption caused to the Court and the other litigants, Defendants respectfully request a stay of their reply deadline until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Date: October 21, 2025

Respectfully submitted,

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/s/ Stephen M. Pezzi
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Counsel for Defendants

LOCAL RULE 7.1 CERTIFICATE

I, Stephen M. Pezzi, certify that on October 20th and 21st, 2025, I conferred with counsel for Plaintiffs regarding this motion, in an attempt in good faith to resolve or narrow the issue. Those attempts were unsuccessful.

/s/ Stephen M. Pezzi
STEPHEN M. PEZZI