

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

DO NO HARM,
Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES *et al.*,
Defendants,

and

PAPA OLA LŌKAHI,
Intervenor-Defendant.

Case No. 1:26-cv-01602-LLA

**PAPA OLA LŌKAHI’S MOTION TO STAY PENDING RESOLUTION OF ITS MOTION
TO TRANSFER**

Intervenor-Defendant Papa Ola Lōkahi respectfully moves this Court to stay all proceedings and deadlines in this case until the Court resolves Papa Ola Lōkahi’s motion to transfer. A stay in this instance is in the interest of judicial economy and would not cause hardship to any party.

Pursuant to Local Civil Rule 7(m), undersigned counsel has conferred with counsel for Plaintiff Do No Harm (“DNH”) and Defendants U.S. Department of Health and Human Services, Robert F. Kennedy, Jr., U.S. Health Resources and Services Administration, and Thomas J. Engels (together, “Defendants”). Counsel for DNH states that its client opposes this motion. Counsel for Defendants states that its clients consent to this motion.

Attached to this motion is Papa Ola Lōkahi’s Memorandum in Support of its Motion to Stay and a Proposed Order.

RESPECTFULLY SUBMITTED this 14th day of July, 2026.

/s/ Morgan E. Saunders

Morgan E. Saunders (DC Bar No. 1686106)
NATIVE AMERICAN RIGHTS FUND
950 F Street Northwest, Suite 1050
Washington, DC 20004
Tel. (202) 785-4166
saunders@narf.org

/s/ Wesley James Furlong

Wesley James Furlong (DDC Bar No. AK0003)
NATIVE AMERICAN RIGHTS FUND
420 L Street, Suite 310
Anchorage, AK 99501
Tel. (907) 276-0680
wfurlong@narf.org

Matthew L. Campbell (DDC Bar No. CO0060)
Malia Gesuale (DDC Bar No. CO00137)
NATIVE AMERICAN RIGHTS FUND
250 Arapahoe Avenue
Boulder, CO 80302
Tel. (303) 447-8760
mcampbell@narf.org
gesuale@narf.org

Elliott A. Milhollin (DC Bar No. 474322)
Gregory A. Smith* (DC Bar No. 413071)
Olga Symeonoglou* (DC Bar No. 888273449)
Claire M. Newfeld* (DC Bar No. 90019010)
HOBBS STRAUS DEAN & WALKER, LLP
1899 L Street Northwest, Suite 1200
Washington, DC 20036
Tel. (202) 822-8282
emilhollin@hobbsstrauss.com
gsmith@hobbsstrauss.com
osymeonoglou@hobbsstrauss.com
cnewfeld@hobbsstrauss.com

Makalika D. Naholowaa* (HI Bar No. 011695)
Sharla Manley* (HI Bar No. 008868)
NATIVE HAWAIIAN LEGAL CORPORATION
1164 Bishop Street, Suite 1205
Honolulu, HI 96813
Tel. (808) 521-2302
makalika@nhlchi.org
sharla.manley@nhlchi.org

*admitted *pro hac vice*

Counsel for Intervenor-Defendant Papa Ola Lōkahi

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Case No. 1:26-cv-01062-LLA

**PAPA OLA LŌKAHI’S MEMORANDUM IN SUPPORT OF ITS MOTION TO STAY
PENDING RESOLUTION OF ITS MOTION TO TRANSFER**

Intervenor-Defendant Papa Ola Lōkahi has moved this Court to stay all proceedings and deadlines in this case until the Court resolves Papa Ola Lōkahi’s motion to transfer. As set forth herein, good cause exists to grant this motion.

On May 28, 2026, Defendants U.S. Department of Health and Human Services, Robert F. Kennedy, Jr., U.S. Health Resources and Services Administration, and Thomas J. Engels (together, “Defendants”) moved for an extension of time to file an answer to or motion to dismiss Plaintiff Do No Harm’s (“DNH”) complaint. Dkt. No. 21. On June 1, 2026, the Court granted that motion. Minute Order (June 1, 2026). Defendants’ answer or motion to dismiss is now due on or by July 20, 2026. On June 24, 2026, DNH moved for an extension of time to amend its complaint up to fourteen days after Defendants file their answer or motion to dismiss. Dkt. No. 30. On July 1, 2026, the Court granted DNH’s motion. Minute Order (July 1, 2026).

Subsequently, on July 14, 2026, Papa Ola Lōkahi filed a motion to transfer this case to the United States District Court for the District of Hawai‘i. Dkt. No. 32. As set out more fully in

Papa Ola Lōkahi’s memorandum in support of its motion to transfer, transferring this case to the District of Hawai‘i is appropriate because DNH could originally have brought this action in the District of Hawai‘i, and it is in the interest of justice and more convenient for the parties and witnesses for this case to be transferred to the District of Hawai‘i. *See* Dkt. No. 32-1. While a motion to transfer does not automatically stay the proceedings, the Court should exercise its discretion and stay the proceedings in this case, including Defendants’ deadline to file a motion to dismiss or answer and DNH’s deadline to amend its complaint, until the Court resolves Papa Ola Lōkahi’s motion to transfer. This Court has regularly granted stays in these circumstances. *See, e.g., Bartolucci v. 1-800 Contacts, Inc.*, 245 F. Supp. 3d 38, 44 n.6 (D.D.C. 2017) (“The Court granted that motion in part . . . , staying all proceedings other than defendants’ section 1404(a) motion to transfer.”); *Nat’l Ass’n for Advancement of MultiJurisdiction Practice v. Roberts*, 180 F. Supp. 3d 46, 53 (D.D.C. 2015); *Bederson v. United States*, 756 F. Supp. 2d 38, 45 (D.D.C. 2010); *Parkridge 6, LLC v. U.S. Dep’t of Transp.*, 772 F. Supp. 2d 5, 7 (D.D.C. 2009).

“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Am. Ctr. for Civ. Justice v. Ambush*, 794 F. Supp. 2d 123, 129 (D.D.C. 2011) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). In considering whether to grant a motion to stay, “courts must ‘weigh competing interests and maintain an even balance between the court’s interests in judicial economy and any possible hardship to the parties.’” *Nat’l Indus. for Blind v. Dep’t of Veterans Affs.*, 296 F. Supp. 3d 131, 137 (D.D.C. 2017) (citation omitted). Staying the proceedings until the Court resolves Papa Ola Lōkahi’s motion to transfer will not cause the parties any hardship and is in the interest of judicial economy.

A stay will not cause the parties any hardship; indeed, it would likely protect the parties by preventing potentially duplicative briefing. Currently, Defendants' answer or motion to dismiss is due by July 20, 2026, and DNH has indicated that it is likely to file an amended complaint in response to Papa Ola Lōkahi's answer and Defendants' forthcoming answer or motion to dismiss. *See* Dkt. No. 30. Staying the proceedings to resolve Papa Ola Lōkahi's motion to transfer should not meaningfully delay the case, which is still in the early pleading stages.

If this Court ultimately grants Papa Ola Lōkahi's motion to transfer, dispositive, pre-trial motions should be filed in and decided by the District of Hawai'i. *See Gold v. Scurlock*, 290 F. Supp. 926, 929 (S.D.N.Y. 1968) (citing *United States v. Swift & Co.*, 158 F. Supp. 551, 560 (D.D.C. 1958)) ("[A]n important element in the litigation, such as a motion for summary judgment, should not be decided by the transferor court but should be adjudicated by the court that has the responsibility for ultimately deciding the case."). If the Court transfers this case but does not stay these other proceedings and deadlines, all the parties will be prejudiced by having to engage in duplicative pre-trial motions practice.

The parties would not be able to simply rely on their previously filed motions and briefs in the District of Hawai'i, as the outcome of the motion to transfer will affect the local rules and legal precedents governing these filings. The parties will have to draft separate motions and briefs comporting with the applicable local rules of the District of Hawai'i and the governing case law in the Ninth Circuit. *Cf. Abusadeh v. Chertoff*, No. 06-2014 (CKK), 2007 WL 2111036, at *9 (D.D.C. July 23, 2007) (denying motion to dismiss without prejudice "so that Defendants may refile that motion, if appropriate, upon transfer to the Southern District of Texas[]"). Staying the proceedings avoids prejudicing the parties by ensuring that these pre-trial and dispositive motions are briefed only once and before the court that will ultimately decide this case.

A stay likewise is in the interest of judicial economy. Based on current case deadlines, it is possible that the parties could engage in significant, dispositive, pre-trial motions practice before the Court can rule on the motion to transfer. A stay would reduce the burden on this Court's time and resources by eliminating the need to manage (and possibly decide) these substantive motions, as well as other possible procedural motions.

Moreover, a stay would eliminate the risk that this Court could enter decisions that conflict with future decisions by the District of Hawai'i, which should decide dispositive matters in the first instance. *Cf. Swift & Co.*, 158 F. Supp. at 560 (considering a motion to transfer before a motion for summary judgment to avoid "transferring a case in which the transferring court had ruled on an important element of the case which the transferee court should be allowed to be free to rule upon itself."). A stay would be consistent with this Court's repeated observation that substantive issues and dispositive motions are "more appropriately resolved by the court to which th[e] case is transferred." *One on One Basketball, Inc. v. Global Payments Direct, Inc.*, 38 F. Supp. 3d 44, 52 (D.D.C. 2014) (declining to address motion to dismiss); *see also Wei Lai Dev. LLC v. U.S. Citizenship & Immigration Servs.*, No. 21-887 (RDM), 2021 WL 2073403, at *6 & *6 n.6 (D.D.C. May 24, 2021) (declining to address motions to dismiss and for preliminary injunction); *Mohammadi v. Scharfen*, 609 F. Supp. 2d 14, 16 n.2 (D.D.C. 2006) (declining to address motion to dismiss); *cf. Reiffin v. Microsoft Corp.*, 104 F. Supp. 2d 48, 58 (D.D.C. 2000) (denying pending motions as moot after granting motion to transfer). Conversely, if this Court does not grant Papa Ola Lōkahi's motion to transfer, a stay will still promote judicial economy by allowing the Court to resolve the motion to transfer first and then set a briefing schedule for amending pleadings and pre-trial motions practice.

Accordingly, the Court should stay the proceedings and deadlines, including Defendants' deadline to file an answer or motion to dismiss and DNH's deadline to file an amended complaint, until the Court has resolved Papa Ola Lōkahi's motion to transfer. A proposed order is attached to this motion.

RESPECTFULLY SUBMITTED this 14th day of July, 2026.

/s/ Morgan E. Saunders

Morgan E. Saunders (DC Bar No. 1686106)
NATIVE AMERICAN RIGHTS FUND
950 F Street Northwest, Suite 1050
Washington, DC 20004
Tel. (202) 785-4166
saunders@narf.org

/s/ Wesley James Furlong

Wesley James Furlong (DDC Bar No. AK0003)
NATIVE AMERICAN RIGHTS FUND
420 L Street, Suite 310
Anchorage, AK 99501
Tel. (907) 276-0680
wfurlong@narf.org

Matthew L. Campbell (DDC Bar No. CO0060)
Malia Gesuale (DDC Bar No. CO00137)
NATIVE AMERICAN RIGHTS FUND
250 Arapahoe Avenue
Boulder, CO 80302
Tel. (303) 447-8760
mcampbell@narf.org
gesuale@narf.org

Elliott A. Milhollin (DC Bar No. 474322)
Gregory A. Smith* (DC Bar No. 413071)
Olga Symeonoglou* (DC Bar No. 888273449)
Claire M. Newfeld* (DC Bar No. 90019010)
HOBBS STRAUS DEAN & WALKER, LLP
1899 L Street Northwest, Suite 1200
Washington, DC 20036
Tel. (202) 822-8282
emilhollin@hobbsstrauss.com
gsmith@hobbsstrauss.com
osymeonoglou@hobbsstrauss.com
cnewfeld@hobbsstrauss.com

Makalika D. Naholowaa* (HI Bar No. 011695)
Sharla Manley* (HI Bar No. 008868)
NATIVE HAWAIIAN LEGAL CORPORATION
1164 Bishop Street, Suite 1205
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[PROPOSED] ORDER

Before this Court is Intervenor-Defendant Papa Ola Lōkahi's Motion to Stay Pending Resolution of its Motion to Transfer. Having considered the briefing and finding good cause,

IT IS HEREBY ORDERED that Intervenor-Defendant Papa Ola Lōkahi's Motion to Stay Pending Resolution of its Motion to Transfer is GRANTED.

All proceedings in this matter are STAYED, except for Intervenor-Defendant Papa Ola Lōkahi's motion to transfer.

DATED this ____ day of _____, 2026.

Hon. Loren L. AliKhan, District Judge
UNITED STATES DISTRICT COURT