

District Judge John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States, *et al.*,

Defendants.

CASE NO. C25-0127-JCC

DEFENDANTS' REPLY IN
SUPPORT OF MOTION TO STAY
PRELIMINARY INJUNCTION
PENDING APPEAL

NOTE ON MOTION CALENDAR:
FEBRUARY 28, 2025

On February 7, 2025, Defendants filed a motion requesting that this Court stay its preliminary injunction in its overbroad applications (*i.e.*, as it applies beyond the individual named plaintiffs in this action). *See* Defs.' Mot. to Stay Prelim. Inj. Pending Appeal, ECF No. 122. For the reasons explained in that motion, Defendants believe a stay is warranted, but respect and acknowledge that, in granting its nationwide injunction, the Court has already

Reply in Support of Motion to Stay Preliminary Injunction Pending Appeal
C25-0127-JCC-1

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1 rejected Defendants’ arguments. Rather than belabor those arguments here, Defendants rest
2 on their motion and respectfully reiterate their request for a ruling from this Court by the close
3 of business tomorrow, February 12, 2025, so that after that time they may seek appropriate
4 relief from the U.S. Court of Appeals for the Ninth Circuit if this Court denies or does not rule
5 on Defendants’ motion. *See* Fed. R. App. P. 8(a)(1) (“A party must ordinarily move first in
6 the district court for . . . a stay of the . . . order of a district court pending appeal . . .”).

7 Defendants file this brief only to respond to the state plaintiffs’ contention that
8 Defendants’ case for a stay is undermined by the fact that they “have neither appealed nor
9 sought to stay a separate nationwide injunction” against Executive Order No. 14160 issued by
10 a district court in the District of Maryland. Pl. States’ Resp. to Defs.’ Mot. to Stay Inj. Pending
11 Appeal at 4, ECF No. 124 (citing *CASA, Inc. v. Trump*, No. 8:25-cv-201-DLB, 2025 WL
12 408636 (D. Md. Feb. 5, 2025)). But that case features individuals and organizations as
13 plaintiffs and therefore does not involve the central defect of this litigation (and a central
14 argument in Defendants’ stay motion): an improper attempt by states to litigate claims they
15 lack standing to bring. More importantly, the states’ argument is premature because the *CASA*
16 injunction was issued just six days ago and Defendants have 60 days to appeal it (and longer
17 than that to seek an appropriate stay of the order). *See* Fed. R. App. P. 4(a)(1)(B).

18 In any event, the state plaintiffs’ premise is now incorrect. Defendants have appealed
19 the *CASA* preliminary injunction to the Fourth Circuit, *see* ECF No. 69, *CASA, Inc. v. Trump*,
20 No 8:25-cv-201 (D. Md. Feb. 11, 2025), and the Acting Solicitor General of the United States

1 has authorized Defendants to seek a stay of that injunction as to its overbroad applications,
2 which Defendants intend to do within the next 24 hours.

3 DATED this 11th day of February, 2025.

4 Respectfully submitted,

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*I certify that this memorandum contains 410 words,
in compliance with the Local Civil Rules.*