

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SASHA PIPPENGER, et al.,

Plaintiffs,

v.

U.S. DOGE SERVICE, et al.,

Defendants.

Civil Action No. 25-1090 (BAH)

**JOINT MOTION TO MODIFY COURT'S JUNE 5, 2025 ORDER**

Plaintiffs and Defendants jointly move to modify this Court's June 5, 2025 Order (ECF No. 40) to renew a temporary stay of further proceedings in this case, including Defendants' deadlines to respond to Plaintiffs' motion for discovery and amended complaint, pending further developments in the related case *United States Institute of Peace v. Jackson*, Civ. A. No. 25-0804-BAH (D.D.C.). The Court's "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." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also Clinton v. Jones*, 520 U.S. 681, 706–07 (1997) (district courts have "broad discretion to stay proceedings").

By way of background, on May 19, 2025, this Court granted the *Jackson* Plaintiffs' motion for summary judgment, awarding relief to the *Jackson* plaintiffs that is similar to the relief that Plaintiffs seek in this case (*see Jackson* ECF Nos. 39-40). The government appealed that decision and moved for a stay in the D.C. Circuit Court of Appeals. *U.S. Inst. of Peace v. Jackson*, No. 25-5185 (D.C. Cir. filed May 22, 2025) ("*Jackson Appeal*"). On June 4, 2025, the parties in this matter jointly moved to temporarily stay proceedings in this case pending certain triggering events

in the *Jackson* case, including granting of the government's motion for a stay pending appeal. ECF No. 39. This Court granted the parties' joint motion on June 5. ECF No. 40. On June 27, 2025, the D.C. Circuit granted the government's motion for a stay pending appeal, and Defendants filed notice of that denial, ECF No. 45, which automatically terminated the stay in this case per the terms of the June 5 Order. On June 29, 2025, the *Jackson* Plaintiffs filed a petition for rehearing en banc and application for emergency administrative stay in the D.C. Circuit. *Jackson* Appeal Doc. No. 2122789. On July 2, the D.C. Circuit ordered the government to respond to that petition by July 11. Appeal Doc. No. 2123429.

As of the date of this filing, the *Jackson* Plaintiffs' en banc petition remains pending. Given the procedural posture as to the *Jackson* summary judgment motion, the parties to this case agree that it would be in the interest of judicial economy to renew the temporary stay in this case under the conditions set forth below:

*First*, the stay will automatically terminate upon notice filed with the Court that (1) the D.C. Circuit has denied the *Jackson* Plaintiffs' en banc petition, or, if either party requests relief from the Supreme Court, the Supreme Court has issued an order granting or allowing a stay pending appeal, whichever is later; or (2) the D.C. Circuit or the Supreme Court has vacated or modified any portion of the judgment in *Jackson* (see *Jackson* ECF Nos., 39-40). If any of these events occurs, Defendants will promptly file notice of it on the *Pippenger* docket.

*Second*, Plaintiffs may lift the stay at any point for any reason with two weeks' email notice to Defendants.

*Third*, in the event that the stay is lifted for any reason, Plaintiffs will promptly provide email notice to Defendants as to: whether they will maintain the discovery motion that is currently pending at ECF No. 35; whether Plaintiffs withdraw that motion without prejudice; or whether

Plaintiffs will file an amended discovery motion. If Plaintiffs proceed with their current motion, Defendants will have two weeks from Plaintiffs' notice to respond. If Plaintiffs amend their discovery motion, they will do so within two weeks of providing notice to Defendants. Defendants will then have two weeks from the filing of the amended motion to respond, and Plaintiffs will have one week to reply.

*Fourth*, in the event the stay is lifted for any reason, Defendants will have four weeks to respond to the First Amended Complaint (ECF No. 9).

*Fifth*, Defendants reserve the right to move to re-stay the case for good cause.

*Sixth*, the parties will file a joint status report with the Court every 60 days from the date that the Court enters this Order.

For the foregoing reasons, the Court should grant this motion and enter the proposed order staying this case, subject to the parties' agreed conditions.

Respectfully submitted,

Dated: July 3, 2025

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**[PROPOSED] ORDER**

UPON CONSIDERATION of the parties' joint motion to modify the Court's June 5 Order, and the entire record herein, it is hereby

ORDERED that the motion is GRANTED, and it is further

ORDERED that the stay will automatically terminate upon notice filed with the Court that(1) the D.C. Circuit has denied the *Jackson* Plaintiffs' en banc petition, or, if either party requests relief from the Supreme Court, the Supreme Court has issued an order granting or allowing a stay pending appeal, whichever is later; or (2) the D.C. Circuit or the Supreme Court has vacated or modified any portion of the judgment in *Jackson* (see *Jackson* ECF Nos., 39-40). If any of these events occurs, Defendants will promptly file notice of it on the *Pippenger* docket.;

ORDERED that Plaintiffs may lift the stay at any point for any reason with two weeks' email notice to Defendants; and it is further

ORDERED that in the event that the stay is lifted for any reason, Plaintiffs will promptly provide email notice to Defendants whether they will maintain the discovery motion that is currently pending at ECF No. 35, whether Plaintiffs withdraw that motion without prejudice, or whether Plaintiffs will file an amendment to the discovery motion that is currently pending. If

Plaintiffs proceed with their current motion, Defendants will have two weeks from Plaintiffs' notice to respond. If Plaintiffs amend their discovery motion, they will do so within two weeks of providing notice to Defendants, Defendants will have two weeks from the filing of the amended motion to respond, and Plaintiffs will have one week to reply; and it is further

ORDERED, that in the event the stay is lifted for any reason, Defendants will have four weeks to respond to the first amended complaint at ECF No. 9; and it is further

ORDERED that Defendants reserve the right to move to re-stay the case for good cause; and it is further

ORDERED that the parties will file a joint status report with the Court every 60 days from the date of this order.

SO ORDERED:

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Date

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BERYL A. HOWELL  
United States District Judge