

United States Court of Appeals For the First Circuit

Nos. 25-1698
25-1755

PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.; PLANNED
PARENTHOOD LEAGUE OF MASSACHUSETTS; PLANNED PARENTHOOD
ASSOCIATION OF UTAH,

Plaintiffs - Appellees,

v.

ROBERT F. KENNEDY, JR., in the official capacity as Secretary of the U.S. Department of
Health and Human Services; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; MEHMET OZ, in the official capacity as Administrator of the Centers for Medicare
& Medicaid Services; CENTERS FOR MEDICARE & MEDICAID SERVICES,

Defendants - Appellants.

Before

Gelpí, Montecalvo, and Aframe,
Circuit Judges.

ORDER OF COURT

Entered: September 18, 2025

On September 11, we granted a motion by defendants for a stay pending appeal of two preliminary injunctions entered in the District Court for the District of Massachusetts.

Plaintiffs now have filed an "Emergency Motion for Reconsideration of Stay Order and for Expedited Briefing." We ordered and received a prompt response from defendants. After careful review, we resolve the requests in the motion as follows.

On the request for reconsideration, the relief sought is **DENIED**. See Nken v. Holder, 556 U.S. 418, 434 (2009) (traditional stay factors). We emphasize, however, that our denial of reconsideration of our September 11 order granting stay relief is without prejudice to the renewal of any arguments to a merits panel in merits briefing.

On the request for an expedited briefing schedule, the motion and the response reflect that the parties do not agree on what merits briefing schedule would be most suitable. After careful consideration of the parties' respective positions, the prior briefing schedule entered on August 19, 2025 is hereby **VACATED**. The briefing schedule will be as follows. Defendants shall submit their opening merits brief by 5:00 p.m. on September 29, 2025. Plaintiffs shall submit their response brief by 5:00 p.m. on October 13, 2025. Plaintiffs also may file their response brief earlier than this deadline if they so choose. Defendants shall file any reply brief by 5:00 p.m. seven days after the day of filing of Plaintiffs' response brief. No extensions will be granted absent grave cause.

The parties will be notified if there will be oral argument. The parties should also inform the court by letter as soon as possible if there are any dates where no counsel would be available.

Last, we are mindful of the potential significance to these appeals of the forthcoming designation or identification of "prohibited entities" under the relevant statutory provision, and other aspects of statutory implementation that might be relevant to review of the merits and equities. See Section 71113 of the Act of July 4, 2025, Pub. L. No. 119-21, § 71113, 139 Stat. 72, 300-01 (2025). Our understanding is that these implementing steps will commence formally on October 1. Accordingly, the parties shall submit a joint status report by no later than 5:00 p.m. on October 3, 2025, updating the court on statutory implementation and any specific designations or identifications made under Section 71113. We may require further status reports thereafter.

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Donald Campbell Lockhart, Daniel Tenny, Abraham R. George, Steven H. Hazel, Alan Evan Schoenfeld, Emily B. Nestler, Sharon Hogue, Albinas Prizgintas, Alexander Miller, Catherine Peyton Humphreville, Cassandra Mitchell, Kyla Eastling, Thomas Michael Harvey, Nathan Jeremiah Moelker, Olivia F. Summers, Jordan A. Sekulow, John J. Bursch, James A. Campbell, Lincoln D. Wilson, Erin Morrow Hawley, Kelsey L. Smith