

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

State of California, et al. ,

Plaintiffs,

v.

U.S. Department of Health and Human
Services, et al.,

Defendants.

CA No.: 1:25-cv-12118

PLAINTIFF STATES' MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, Plaintiffs hereby move this Court to preliminarily enjoin Defendants from implementing or enforcing Section 71113 of the “One Big Beautiful Bill” or “federal budget bill,” Pub. L. No. 119-21, § 44126, 138 Stat. 482 (2025), as against Plaintiffs, pending a final ruling on the merits of this case. The grounds for this motion are set forth in Plaintiffs’ accompanying memorandum of law in support of their motion, and the challenged provision is set forth in the proposed order attached as an exhibit to this motion.

SA2025303982

Date: September 24, 2025

Respectfully Submitted,

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**Admitted Pro Hac Vice*

** Application for pro hac vice admission forthcoming*

LOCAL RULE 7.1 CERTIFICATE

I certify that on September 23, 2025 at 10:26 a.m. PDT, I contacted Diane Kelleher, Director, Federal Programs Branch, U.S. Department of Justice (diane.kelleher@usdoj.gov), Rayford Farquhar, Chief, Defensive Litigation, Civil Division, U.S. Attorney's Office for the District of Massachusetts (rayford.farquhar@usdoj.gov), Abraham George (abraham.george@usdoj.gov), and Brad Rosenberg (brad.rosenberg@usdoj.gov) by email in an attempt to meet and confer regarding the foregoing request for relief. Elizabeth J. Neylan with the Civil Division – Federal Programs Branch responded on behalf of Defendants. Plaintiffs and Defendants have met and conferred in good faith and have been unable to resolve or narrow the subject of this Motion.

By: /s/ Erica Connolly

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CERTIFICATE OF SERVICE

I, Erica Connolly, certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

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Exhibit : Proposed Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

State of California, et al. ,

Plaintiffs,

v.

U.S. Department of Health and Human
Services, et al.,

Defendants.

CA No.: 1:25-cv-12118

[PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure, and upon consideration of Plaintiffs’ Motion for a Preliminary Injunction, and the parties’ briefing thereon, it is hereby **ORDERED** that the motion is **GRANTED**; and it is further **ORDERED** that Defendants are preliminarily **ENJOINED** from implementing and enforcing Section 71113 of the “One Big Beautiful Bill” or “budget reconciliation bill,” Pub. L. No. 119-21, § 44126, 138 Stat. 482 (2025) (“Section 71113”), as against the Plaintiff States, pending a final ruling on the merits of this case.

As grounds for this order, the Court finds that the Plaintiff States are likely to succeed on the merits of their claims; that Section 71113 is causing Plaintiff States ongoing and irreparable harm which is likely to continue if the order is not granted; and that the public interest and balance of equities weigh in favor of granting preliminary relief and postponing the effective date of Section 71113 against the Plaintiff States.

This Order shall remain in effect unless and until modified by the Court.

SO ORDERED this ____ day of _____, 2025

By: Hon. Indira Talwani
United States District Judge