

IN THE 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.

No. 1:25-cv-12118-IT

**JOINT MOTION FOR A BRIEFING SCHEDULE ON
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION AND TO STAY
DEFENDANTS' DEADLINE TO RESPOND TO THE COMPLAINT PENDING
RESOLUTION OF THE PRELIMINARY INJUNCTION MOTION**

Plaintiff States and Defendants jointly move the Court to set the briefing schedule on Plaintiffs' Motion for a Preliminary Injunction (ECF No. 60) proposed below and to stay Defendants' obligation to file a response to the Complaint under Federal Rule of Civil Procedure 12 pending resolution of Plaintiffs' Motion for a Preliminary Injunction. In support, the parties state as follows:

1. Plaintiffs filed the instant action on July 29, 2025 and completed service on August 14, 2025. *See* ECF No. 1.
2. On September 24, 2025, Plaintiffs moved for a Preliminary Injunction. ECF No. 60.
3. The parties thereafter agreed that Defendants' response to Plaintiffs' Motion for a Preliminary Injunction shall be due on October 15, 2025.

4. The parties further agreed that Plaintiff's reply shall be due on October 29, 2025.

5. Under Federal Rule of Civil Procedure 12(a)(2), the United States and its officers and employees sued in their official capacity must respond to a complaint within 60 days after service on the United States attorney.

6. Because Plaintiffs completed service on August 14, 2025, Defendants' current deadline to respond to the Complaint is October 14, 2025.

7. The parties respectfully request a stay of Defendants' obligation to respond to the Complaint under Federal Rule of Civil Procedure 12 pending resolution of the motion for a preliminary injunction. There is good cause to grant the requested stay during the pendency of Plaintiffs' motion. *See Clinton v. Jones*, 520 U.S. 681, 706 (1997) (stating that a "[d]istrict Court has broad discretion to stay proceedings as an incident to its power to control its own docket"). Any order on Plaintiffs' motion for a preliminary injunction necessarily will inform Defendants' response to the Complaint and shape the next steps in the litigation. Accordingly, considerations of party and judicial economy would benefit from resolution of the motion for preliminary injunction before moving on to further proceedings in this case.

8. The parties propose that they file a joint status report addressing further proceedings within 14 days of the issuance of an order resolving Plaintiffs' motion for a preliminary injunction.

WHEREFORE, the parties respectfully request that this Motion be allowed and the Court enter the agreed-upon briefing schedule proposed above—whereby Defendants' response to Plaintiffs' Motion for a Preliminary Injunction will be due on October 15, 2025 and Plaintiffs' Reply will be due on October 29, 2025—and stay Defendants' deadline to respond to the Complaint pending resolution of the preliminary injunction motion.

Dated: September 29, 2025

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

YAAKOV M. ROTH
Principal Deputy Assistant Attorney General
Civil Division

ERIC J. HAMILTON
Deputy Assistant Attorney General
Civil Division

EMILY M. HALL
ELIZABETH HEDGES
TIBERIUS DAVIS
Counsel to the Assistant Attorney General
Civil Division

MICHELLE R. BENNETT
Assistant Director
Federal Programs Branch

BRADLEY P. HUMPHREYS
JACOB S. SILER
Trial Attorneys
Federal Programs Branch

/s/ Elisabeth J. Neylan
ELISABETH J. NEYLAN
Trial Attorney (N.Y. Bar Reg. No. 6125736)
Federal Programs Branch
1100 L Street NW
Washington, DC 20005
Phone: (202) 616-3519
Elisabeth.J.Neylan@usdoj.gov

Attorneys for Defendants

ANDREA JOY CAMPBELL

Attorney General
Commonwealth of Massachusetts

/s/ Allyson Slater

ALLYSON SLATER (BBO No. 704545)
Director, Reproductive Justice Unit
MORGAN CARMEN (BBO No. Pending)
Assistant Attorney General
Office of the Attorney General
One Ashburton Place, 20th Floor
Boston, MA 02108
(617) 963-2811
Allyson.slater@mass.gov
Attorneys for Plaintiff Commonwealth of Massachusetts

ROB BONTA

Attorney General
State of California

/s/ Erica Connolly

ERICA CONNOLLY*
Deputy Attorney General
NELI PALMA*
Senior Assistant Attorney General
KARLI EISENBERG*
Supervising Deputy Attorney General
1300 I Street
Sacramento, CA 95814
(916) 210-7755
Erica.Connolly@doj.ca.gov
Attorneys for Plaintiff State of California

LETITIA JAMES

Attorney General
State of New York

/s/ Galen Sherwin

GALEN SHERWIN*
Special Counsel for Reproductive Justice
RABIA MUQADDAM*
Chief Counsel for Federal Initiatives
COLLEEN K. FAHERTY*
Special Trial Counsel
IVAN NEVADO*
Assistant Attorney General
28 Liberty Street
New York, NY 10005
(212) 416-8059
Galen.Sherwin@ag.ny.gov;
Attorneys for Plaintiff State of New York

WILLIAM TONG

Attorney General
State of Connecticut

/s/ Alma Nunley

ALMA NUNLEY*
Special Counsel for Reproductive Rights
JANELLE R. MEDEIROS*
Special Counsel for Civil Rights
165 Capitol Ave
Hartford, CT 06106
(860) 808-5020
Alma.Nunley@ct.gov
Janelle.Medeiros@ct.gov
Attorneys for Plaintiff State of Connecticut

KATHLEEN JENNINGS

Attorney General
State of Delaware

By: /s/ Vanessa L. Kassab

VANESSA L. KASSAB*

Deputy Attorney General

IAN R. LISTON*

Director of Impact Litigation

JENNIFER KATE AARONSON*

Deputy Attorney General

Delaware Department of Justice

820 N. French Street

Wilmington, DE 19801

302-683-8803

Jennifer.Aaronson@delaware.gov

Attorneys for Plaintiff State of Delaware

PHILIP J. WEISER

Attorney General
State of Colorado

/s/ Nora O.E. Passamaneck

NORA Q.E. PASSAMANECK*

Senior Assistant Attorney General

Colorado Department of Law

1300 Broadway, 10th Floor

Denver, CO 80203

Phone: (720) 508-6000

nora.passamaneck@coag.gov

Attorneys for Plaintiff State of Colorado

BRIAN L. SCHWALB

Attorney General
District of Columbia

/s/ Nicole S. Hill

NICOLE S. HILL*

Assistant Attorney General

Office of the Attorney General for the District
of Columbia

400 Sixth Street, NW

Washington, D.C. 20001

(202) 727-4171

nicole.hill@dc.gov

Attorneys for Plaintiff District of Columbia

ANNE E. LOPEZ

Attorney General
State of Hawai'i

/s/ Kaliko 'onālani D. Fernandes

KALIKO'ONĀLANI D. FERNANDES*

Solicitor General

DAVID D. DAY*

Special Assistant to the Attorney General

425 Queen Street

Honolulu, HI 96813

(808) 586-1360

kaliko.d.fernandes@hawaii.gov

Attorneys for Plaintiff State of Hawai'i

KWAME RAOUL

Attorney General
State of Illinois

/s/ Caitlyn G. McEllis

CAITLYN G. MCELLIS*

Senior Policy Counsel

ELIZABETH MORRIS*

Deputy Bureau Chief, Special Litigation
Bureau

SARAH J. GALLO*

Assistant Attorney General

Office of the Illinois Attorney General

115 S. LaSalle Street

Chicago, IL 60603

312-814-3000

Caitlyn.McEllis@ilag.gov

Elizabeth.Morris@ilag.gov

Sarah.Gallo@ilag.gov

Attorneys for Plaintiff State of Illinois

AARON M. FREY

Attorney General
State of Maine

/s/ Halliday Moncure

HALLIDAY MONCURE*

Assistant Attorney General

Office of the Attorney General

6 State House Station

Augusta, ME 04333-0006

Tel.: 207-626-8800

halliday.moncure@maine.gov

Attorneys for Plaintiff State of Maine

ANTHONY G. BROWN

Attorney General
State of Maryland

/s/ James C. Luh

JAMES C. LUH*

Senior Assistant Attorney General

Office of the Attorney General

200 Saint Paul Place, 20th Floor

Baltimore, Maryland 21202

410-576-6411

jluh@oag.state.md.us

Attorneys for Plaintiff State of Maryland

DANA NESSEL

Attorney General
State of Michigan

/s/ Kyla Barranco

KYLA BARRANCO*

NEIL GIOVANATTI*

Assistant Attorneys General

Michigan Department of Attorney General

525 W. Ottawa

Lansing, MI 48909

(517) 335-7603

BarrancoK@michigan.gov

GiovanattiN@michigan.gov

Attorneys for Plaintiff State of Michigan

KEITH ELLISON

Attorney General
State of Minnesota

/s/ Katherine J. Bies

KATHERINE J. BIES*

Special Counsel, Rule of Law
445 Minnesota Street, Suite 600
St. Paul, Minnesota, 55101
(651) 300-0917
Katherine.Bies@ag.state.mn.us
Attorneys for Plaintiff State of Minnesota

MATTHEW J. PLATKIN

Attorney General
State of New Jersey

/s/ Jessica L. Palmer

JESSICA L. PALMER*
ELIZABETH R. WALSH*
Deputy Attorneys General
Office of the Attorney General
124 Halsey Street, 5th Floor
Newark, NJ 07101
(609) 696-5279
Jessica.Palmer@law.njoag.gov
Elizabeth.Walsh@law.njoag.gov
Attorneys for Plaintiff State of New Jersey

RAÚL TORREZ

Attorney General
State of New Mexico

/s/ Amy Senier

AMY SENIER

Senior Counsel
New Mexico Department of Justice
P.O. Drawer 1508
Santa Fe, NM 87504-1508
(505) 490-4060
asenier@nm DOJ.gov
Attorneys for Plaintiff State of New Mexico

AARON D. FORD

Attorney General
State of Nevada

/s/ Heidi Parry Stern

HEIDI PARRY STERN* (Bar. No. 8873)
Solicitor General
Office of the Nevada Attorney General
1 State of Nevada Way, Suite 100
Las Vegas, NV 89119
HStern@ag.nv.gov
Attorneys for Plaintiff State of Nevada

JEFF JACKSON

Attorney General
State of North Carolina

/s/ Marc D. Brunton

MARC D. BRUNTON*

Assistant Deputy Attorney General
North Carolina Department of Justice
PO Box 629
Raleigh, NC 27602
(919) 716-0151
mbrunton@ncdoj.gov

Attorneys for Plaintiff State of North Carolina

DAN RAYFIELD

Attorney General
State of Oregon

/s/ Christina L. Beatty-Walters

CHRISTINA L. BEATTY-WALTERS*

Senior Assistant Attorney General
KATE E. MORROW
Assistant Attorney General
100 SW Market Street
Portland, OR 97201
(971) 673-1880

Tina.BeattyWalters@doj.oregon.gov

Kate.E.Morrow@doj.oregon.gov

Attorneys for Plaintiff State of Oregon

JOSH SHAPIRO,

in his official capacity as Governor of the
Commonwealth of Pennsylvania

/s/ Michael J. Fischer

MICHAEL J. FISCHER*

Executive Deputy General Counsel

JENNIFER SELBER*

General Counsel

JONATHAN D. KOLTASH*

Deputy General Counsel for Healthcare

Pennsylvania Office of the Governor

30 N. 3rd St., Suite 200

Harrisburg, PA 17101

(717) 831-2847

mjfischer@pa.gov

Attorneys for Plaintiff Governor Josh Shapiro

PETER F. NERONHA

Attorney General
State of Rhode Island

/s/ Dorothea R. Lindquist

DOROTHEA R. LINDQUIST*

(RI Bar No. 6661)

Special Assistant Attorney General

150 South Main Street

Providence, RI 02903

(401) 274-4400, Ext. 2098

dlindquist@riag.ri.gov

Attorneys for the Plaintiff State of Rhode Island

CHARITY R. CLARK

Attorney General
State of Vermont

/s/ Jonathan T. Rose

JONATHAN T. ROSE*

Solicitor General

109 State Street

Montpelier, VT 05609

(802) 828-3171

jonathan.rose@vermont.gov

Attorneys for Plaintiff State of Vermont

NICHOLAS W. BROWN

Attorney General
State of Washington

/s/ Lauryn K. Fraas

LAURYN K. FRAAS* WSBA #53238

WILLIAM MCGINTY* WSBA #41868

Assistant Attorneys General

800 Fifth Avenue, Suite 2000

Seattle, WA 98104-3188

(206) 464-7744

Lauryn.Fraas@atg.wa.gov

William.McGinty@atg.wa.gov

Attorneys for Plaintiff State of Washington

JOSHUA L. KAUL

Attorney General
State of Wisconsin

/s/ Faye B. Hipsman

FAYE B. HIPSMAN*

Assistant Attorney General

Wisconsin Department of Justice

Post Office Box 7857

Madison, Wisconsin 53707-7857

608-264-9487

faye.hipsman@wisdoj.gov

Attorneys for Plaintiff State of Wisconsin

**Admitted Pro Hac Vice*

** Application for pro hac vice admission forthcoming*

LOCAL RULE 7.1 CERTIFICATE

Undersigned counsel certifies that counsel have conferred regarding this motion and that it is made jointly with the assent of all parties as reflected above.

/s/ Elisabeth J. Neylan

Elisabeth J. Neylan

Trial Attorney

United States Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2025, the foregoing pleading was filed electronically through the CM/ECF system, which causes all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/ Elisabeth J. Neylan

Elisabeth J. Neylan

Trial Attorney

United States Department of Justice