

The Honorable Barbara J. Rothstein

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, *et al.*,

Defendants.

NO. 2:25-cv-01401-BJR

JOINT STIPULATION AND
PROPOSED CASE PLAN

STIPULATION

The parties, through their respective undersigned counsel, stipulate as follows:

The State of Washington filed its Complaint in this matter on July 25, 2025.

Washington views this case as a challenge to actions by Defendants the U.S. Department of Homeland Security (DHS), Secretary Kristi Noem, the Federal Emergency Management Agency (FEMA), and Senior Official Performing the Duties of the Administrator David Richardson to terminate the Shelter and Services Program, through which Washington was awarded a \$4,039,516 grant in FY 2024. *See* ECF No. 1.

Defendants view this case as a challenge to Defendants' decision to terminate Washington's \$4,039,516 grant awarded by FEMA under the Shelter and Services Program. Defendants believe

the Court lacks jurisdiction to hear this challenge, particularly in light of the Supreme Court’s recent orders in *National Institutes of Health v. American Public Health Association*, No. 25A103, 2025 WL 2415669, at *1 (U.S. Aug. 21, 2025) and *Department of Education v. California*, 604 U.S. 650, 145 S. Ct. 966, 968 (2025).

The parties have conferred on multiple occasions since this matter was filed and held a Zoom teleconference on September 8, 2025, to discuss the matters outlined in Rule 26(f) and the Court’s Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement. *See* ECF No. 9. The parties are in agreement on the following: (1) this case is exempt from the initial disclosure requirement because it is “an action for review on an administrative record,” Fed. R. Civ. P. 26(a)(1)(B)(i); (2) settlement of this matter is not possible at present, though counsel for the parties remain open to further discussion, should an opportunity for amicable resolution arise; and (3) this case should be resolved through briefing cross-motions for summary judgment.

Accordingly, the parties respectfully request that the Court enter an order providing that:

1. Defendants have represented that the \$4,039,516 funds awarded to Washington under its SSP grant may not be re-obligated to another entity or potential grantee, and those funds will remain available through September 30, 2029 to satisfy obligations, if any, to Washington under its grant. Given this representation, Washington has agreed not to seek a preliminary injunction, though it reserves its right to seek emergency relief, should the status of the FY 2024 SSP funds change.

2. The following briefing and hearing schedule shall govern resolution of this case:

Deadline	Event
September 19, 2025	Plaintiff files Amended Complaint ¹
November 18, 2025	Defendants file Administrative Record

¹ On or before September 19, 2025, Washington will file a motion for leave to file an amended complaint, which Defendants have indicated that they will not oppose. Defendants

December 18, 2025	Plaintiff files Motion for Summary Judgment (not to exceed 30 pages)
February 5, 2026	Defendants file Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment (not to exceed 30 pages)
March 5, 2026	Plaintiff files Opposition to Defendants' Cross-Motion for Summary Judgment and Reply in Support of Motion for Summary Judgment (not to exceed 20 pages)
March 19, 2026	Defendants file Reply in Support of Cross-Motion for Summary Judgment (not to exceed 20 pages)
At the Court's discretion	Oral argument

3. This briefing schedule assumes there are no disputes about the completeness of the Administrative Record that Defendants will produce on or before November 18, 2025. Washington reserves its right to move to complete or supplement the Administrative Record, if there are grounds for doing so. If Washington believes the Administrative Record is deficient or incomplete, it will promptly meet and confer with Defendants to determine whether any adjustments to the summary judgment briefing schedule will be necessary.

4. Washington anticipates submitting one or more declarations in support of its Motion for Summary Judgment to support its standing to bring this case. Following their review of those declarations, Defendants may conduct limited discovery related to any affirmative evidence Washington submits in support of its Motion for Summary Judgment that is not contained in the Administrative Record. Likewise, Washington may conduct limited discovery related to any additional evidence Defendants submit in support their Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment that is not contained in the Administrative Record or has not otherwise been submitted by Washington in support of its Motion for Summary Judgment. This briefing schedule contemplates that discovery, if any, will be limited in scope and

reserve the right to seek revisions to this Stipulation and the Proposed Order pending their review of the amended complaint; Defendants will promptly meet and confer with Washington regarding any such potential revisions before seeking this Court's intervention.

1 will not enlarge the established briefing deadlines.

2 5. In light of the foregoing, the parties are relieved of all other pending case
3 management and pre-trial obligations, including: exchanging initial disclosures; filing a Combined
4 Joint Status Report and Discovery Plan under Rule 26(f); and Defendants' obligation to respond to
5 the Complaint or forthcoming Amended Complaint under Federal Rule of Civil Procedure 12.

6 DATED this 16th day of September 2025.

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Attorney General

9 /s/ Benjamin Seel

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2025, I electronically filed the foregoing document with the Clerk of the United States District Court for the Western District of Washington via the CM/ECF system which will send notifications of such filing to all parties who are entered in this matter and registered with the CM/ECF system.

DATED this 16th day of September, 2025.

s/ Tiffany Jennings
TIFFANY JENNINGS
Paralegal