

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STATE OF CALIFORNIA, *et al.*,

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of Health and Human
Services, *et al.*,

Defendants.

Case No. 1:25-cv-12019-NMG

**DEFENDANTS' MOTION FOR A STAY OF PROCEEDINGS
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendants respectfully move for a stay of proceedings in this case, including their October 31, 2025 deadline to respond to the Complaint, *see* ECF No. 104, in light of a lapse of appropriations.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired, and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including Defendants. The Department does not know when such funding will be restored by Congress.

2. The Anti-Deficiency Act requires that, absent an appropriation, Department of Justice attorneys and employees of Defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. The Act states that “the term ‘emergencies involving the safety of human life or the protection of property’ does not include ongoing, regular functions of government the suspension of which would not immediately threaten the safety of human life or the protection of property.” *Id.*

Motion denied. SJM/gorton, SUSDJ 10/24/2025