

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

AIRLINES FOR AMERICA; AMERICAN
AIRLINES, INCORPORATED; DELTA AIR LINES,
INCORPORATED; JETBLUE AIRWAYS
CORPORATION; SOUTHWEST AIRLINES
COMPANY; UNITED AIRLINES,
INCORPORATED,

Petitioners,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION,

Respondent,

PARALYZED VETERANS OF AMERICA,

Intervenor.

No. 25-60071

RESPONDENT’S MOTION TO HOLD CASE IN ABEYANCE

Pursuant to Federal Rule of Appellate Procedure 27, the Department of Transportation respectfully moves this Court to hold this case in abeyance.

Petitioners do not oppose this motion; intervenor opposes this motion.

1. On December 17, 2024, the Department of Transportation issued a final rule, Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs (Wheelchair Rule). *See* 89 Fed. Reg. 102,398. Petitioners Airlines for America, American Airlines, Inc., Delta Air Lines, Inc., JetBlue Airways Corp.,

Southwest Airlines Co., and United Airlines, Inc., filed a petition for review of this rule in this Court, and intervenor Paralyzed Veterans of America subsequently intervened in defense of the rule.

2. On June 2, 2025, the Department of Transportation announced that it “will not take enforcement action against regulated entities before August 1, 2025, for failing to comply with the new or revised requirements contained in the final rule on Ensuring Safe Accommodations for Air Travelers With Disabilities Using Wheelchairs (Wheelchair Rule).” U.S. Dep’t of Transp., *Notification of Enforcement Discretion – Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs (Word Version)*, <https://www.transportation.gov/airconsumer/enforcement-discretion-final-wheelchair-rule-june-2-2025-MSWord> (last updated June 2, 2025). The purpose of the notice is to “allow additional time for the officials appointed or designated by the President to review the Wheelchair Rule to ensure that it is consistent with the law,” and “to consider the issues” raised in this petition for review. *Id.* (quoting notice posted on webpage, to be published in Federal Register).

3. In light of the foregoing, the Department of Transportation respectfully moves to hold this case in abeyance while the agency undertakes its review of the rule, which will conserve resources of the Court and the parties. While this case is in abeyance, the Department of Transportation proposes to file a status report with the Court by July 15, 2025, with additional status reports every 60 days thereafter.

Counsel for petitioners have informed the government that petitioners do not oppose this motion. Counsel for intervenor has informed the government that intervenor opposes this motion.

Respectfully submitted,

MICHAEL S. RAAB
MICHAEL SHIH

s/ Urja Mittal

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2) because it contains 337 words, according to the count of Microsoft Word.

s/ Urja Mittal

URJA MITTAL