

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

No. 26-cv-3120 (KMM/DTS)

Plaintiff,

v.

ORDER

Minnesota Department of Children,
Youth, and Families; and Tikki Brown, *in
her official capacity as commissioner of
the Minnesota Department of Children,
Youth, and Families.*

Defendants.

The United States has filed a Motion for Preliminary Injunction in this matter. (ECF 19) The Court ordered the parties to meet and confer about an appropriate briefing schedule for that motion, and for any anticipated motion to dismiss. (ECF 16) The parties were unable to agree and instead filed competing proposals. (ECF 17 & 18) Most critically, the Minnesota Department of Children, Youth, and Families (hereinafter “Minnesota” or Defendants) suggests that briefing on and consideration of the injunction motion and other dispositive motions should be stayed because there is a more pressing issue to be resolved first.

This litigation has considerable overlap with litigation currently pending in the Central District of California. (*California v. USDA*, No. 3:25-cv-06310-MMC (N.D. Cal.)) Pending before that court are some of the same issues that underlie this case, involving the same parties. Also pending before that court is a motion to enjoin this and other litigation

under the “first-filed rule,” an equitable doctrine that promotes judicial economy, prevents forum shopping, and avoids inconsistent outcomes. (ECF 186) Minnesota’s position is that this Court should wait until the California court decides the first-filed issue, or should decide the first-filed issue itself, before turning to any substantive merits issues. The United States indicates that it will respond to any motion related to this issue when such a motion is formally brought, though presumably it disagrees that this Court should stay this case until the California litigation is resolved.

The Court has considered the competing proposals of the parties for setting a schedule in this matter, has reviewed the filings in this docket, and has reviewed the pending motion in the California case. This Court will not decide the first-filed issue, nor grant a full stay, in the absence of a motion, nor based on the limited record that is before it. But the Court will prioritize motion practice related to the first-filed issue before setting a broader briefing schedule for the already pending Motion for Preliminary Injunction and the likely forthcoming Motion to Dismiss.

ORDER

Therefore, it is **ORDERED**:

1. The deadlines for Minnesota to respond to the pending Motion for Preliminary Injunction and to respond to the Complaint with an Answer or Motion to Dismiss are both suspended until further order of this Court.
2. The parties must meet and confer regarding a briefing schedule for the first-filed issue to be raised. It is expected that the issue will be raised through a Motion to Stay (or for other appropriate relief) filed by Minnesota, though the parties can propose another approach to bringing the issue to the Court. The Court strongly encourages the parties to compromise regarding an appropriate process and schedule. If the parties cannot agree on a briefing schedule, the parties must once again submit their competing proposals and the Court will set a schedule.

3. Following briefing related to any motion to stay or for similar relief, the Court will decide whether to hold a hearing and what the appropriate next-steps are in the litigation as a whole.

IT IS SO ORDERED.

Date: July 23, 2026

s/Katherine M. Menendez

Katherine M. Menendez
United States District Judge