

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ASHTON ORR et al.,

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States, et al.,

*Defendants.*

Civil Action No. 1:25-cv-10313

**MOTION FOR A STAY OF BRIEFING SCHEDULE  
IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America hereby moves for a stay of the briefing schedule as to Counts 6 and 7 (ECF Nos. 141, 142) in the above-captioned case.

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

2. Absent an appropriation, Department attorneys and employees of the federal 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.

3. Undersigned counsel for the Department therefore requests a stay of the briefing schedule as to Counts 6 and 7 (ECF Nos. 141, 142) until Congress has restored appropriations to the Department.

4. The Government respectfully requests that, when appropriations are restored, all current deadlines for the parties be extended for the number of days commensurate with the duration of the lapse in appropriations beginning October 17, 2025, when the Government's briefing period commenced, plus an additional 14 days. Thus, for example, if the lapse lasts 16 days following October 17, 2025, all parties' deadlines would be extended by  $16 + 14 = 30$  days. The Government will need this additional time following the end of the lapse to restart regular government operations and finalize the brief for filing.

5. In addition, granting an extension calculated in the manner proposed above will avoid having all briefs that would otherwise have been due during the period of a lapse of appropriations from having the same due date following the restoration of appropriations, which would not be practicable for the Government or the Court. It also preserves the original chronological order of filing in government cases for fairness to all parties.

6. Undersigned counsel has conferred with opposing counsel about this motion. Opposing counsel has authorized counsel for the Government to state that Plaintiffs oppose this motion.

7. Although the Government greatly regrets any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the briefing schedule in this case, as described above, until Department attorneys are permitted to resume their usual civil litigation functions.

Dated: October 22, 2025

Respectfully submitted,

BRETT A. SHUMATE  
Assistant Attorney General

JEAN LIN  
Special Litigation Counsel

*/s/ M. Jared Littman*

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon Plaintiffs' counsel by the Electronic Case Filing system on October 22, 2025.

*/s/ M. Jared Littman*

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M. JARED LITTMAN