

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

AIDS VACCINE ADVOCACY
COALITION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
STATE, *et al.*,

Defendants.

Civil Action No. 25-cv-400 (AHA)

JOINT STATUS REPORT

The parties respectfully submit this joint status report pursuant to the Court's order dated October 2, 2025, directing the parties to submit, within ten days of the cure of the lapse of appropriations, a joint status report proposing a new briefing schedule on Defendants' motion to dismiss the First Amended Complaint in this case.

1. The parties jointly request that the Court hold this case in abeyance pending the D.C. Circuit's disposition of the appeal in *Vera Institute of Justice v. Department of Justice*, No. 25-5248 (in which the Court of Appeals heard oral argument on October 14), because that decision would likely inform this Court's resolution of the legal issues presented by Defendants' motion. The *Vera Institute* appeal concerns a suit challenging the Department of Justice's alleged mass termination of certain grants and cooperative agreements. Among the issues presented in that appeal are whether the District Court in that case "erred in concluding that the Tucker Act deprived it of jurisdiction over [Administrative Procedure Act (APA)] claims that seek to enforce rights under statutes and regulations and which ask the court to award the classic APA remedy of setting aside unlawful agency action." Appellants' Br. 4, *Vera Inst. of Justice v. DOJ*, No. 25-5248 (D.C.

Cir. Aug. 11, 2025). Plaintiffs here raise APA claims challenging Defendants’ alleged mass termination of foreign assistance awards, *see, e.g.*, ECF 86 ¶¶ 82–84, and Defendants have argued that the Tucker Act deprives this Court of jurisdiction over those claims, *see* ECF 101 at 16–30. The D.C. Circuit’s resolution of the subject-matter jurisdiction issue presented in *Vera Institute* will accordingly inform this Court’s resolution of issues in this case.

In light of the foregoing, Defendants request that the Court enter an order directing the parties to jointly file a status report with regard to a briefing schedule on Defendants’ motion to dismiss or other proceedings in this case within five days of the issuance of the mandate from the D.C. Circuit in *Vera Institute of Justice v. Department of Justice*.

2. In addition, Plaintiffs request that the Court hold this case in abeyance pending the D.C. Circuit’s disposition of Defendants’ appeal of the preliminary injunction entered by this Court on September 3, 2025. *See* D.C. Cir. No. 25-5317. That preliminary injunction required that Defendants (other than the President) obligate certain appropriated foreign assistance funds. *See* ECF 145 at 41–42. Among the issues that Defendants have indicated that they will present in that appeal are “whether plaintiffs have a cause of action to bring claims regarding defendants’ alleged failure to spend appropriated funds” and whether this Court may “requir[e] defendants to make specific funds available for obligation.” *See* Statement of Potential Issues to Be Raised, *AIDS Vaccine Advocacy Coal. v. U.S. Dep’t of State*, No. 25-5317 (D.C. Cir. Oct. 1, 2025). If the D.C. Circuit renders a decision on the merits of that appeal, its opinion is likely to inform this Court’s analysis of whether the First Amended Complaint states a claim upon which relief may be granted. (Defendants are assessing whether the appeal in No. 25-5317 remains live and currently take no position on Plaintiffs’ request.)

Plaintiffs accordingly request that the order requested above provide that the parties’ proposed briefing schedule be due within five days of the D.C. Circuit’s issuance of the mandate

in *Vera Institute of Justice v. Department of Justice*, or issuance of the mandate in *AIDS Vaccine Advocacy Coalition v. U.S. Department of State*, whichever comes later.

Dated: November 24, 2025

Respectfully submitted,

/s/ Nicolas A. Sansone

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