

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION, et
al.,

Defendants.

Civil Action No. 25-10548-MJJ

DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO EXTEND

The Court should deny Plaintiffs' motion, Doc. No. 74, and decline to extend its March 10, 2025 order, Doc. No. 41. Although Federal Rule of Civil Procedure 65(b)(2) refers to "temporary restraining order[s] issued without notice," the time limits set by the rule apply to orders issued with notice as well. *See Granny Goose Foods, Inc. v. Brotherhood of Teamsters*, 415 U.S. 423, 443 (1974). Accordingly, the Court may only extend its March 10, 2025 order—by a maximum of 14 additional days—"for good cause." Fed. R. Civ. P. 65(b)(2). Good cause does not exist where the party seeking an extension has failed to satisfy all four factors required for preliminary relief. *See Loughalam v. Trump*, 230 F. Supp. 3d 26, 38 (D. Mass. 2017). The Court should therefore decline to extend its March 10, 2025 order for the reasons explained in Defendants' opposition to Plaintiffs' motion for a preliminary injunction. *See* Doc. No. 69. At minimum, the Court should limit any extension of its order to grant recipients that are themselves instrumentalities of the Plaintiff States, and require Plaintiffs to post a bond. *See id.* at 22–23.

Respectfully submitted,

LEAH B. FOLEY
United States Attorney

Dated: March 24, 2025

By: /s/ Michael L. Fitzgerald
MICHAEL L. FITZGERALD
Assistant United States Attorney
U.S. Attorney's Office
1 Courthouse Way, Ste. 9200
Boston, MA 02210
(617) 748-3266
michael.fitzgerald2@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Michael L. Fitzgerald
MICHAEL L. FITZGERALD
Assistant U.S. Attorney

Dated: March 24, 2025