District Judge Jamal N. Whitehead

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PLAINTIFF PACITO; PLAINTIFF ESTHER; PLAINTIFF JOSEPHINE; PLAINTIFF SARA; PLAINTIFF ALYAS; PLAINTIFF MARCOS; PLAINTIFF AHMED; PLAINTIFF RACHEL; PLAINTIFF ALI; HIAS, INC.; CHURCH WORLD SERVICE, INC.; LUTHERAN COMMUNITY SERVICES NORTHWEST,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; MARCO RUBIO, in his official capacity as Secretary of State; KRISTI NOEM, in her official capacity as Secretary of Homeland Security; DOROTHY A. FINK, in her official capacity as Acting Secretary of Health and Human Services,

Defendants.

CASE NO. 2:25-cv-00255

MOTION FOR STAY OF PROCEEDINGS, INCLUDING DISCOVERY, IN LIGHT OF LAPSE OF APPROPRIATIONS

NOTE ON MOTION CALENDAR: OCTOBER 15, 2025[1]

[1] In light of the current deadline for the parties' joint status report and discovery plan—October 10, 2025—Defendants respectfully request a ruling that would at minimum clarify whether the parties would be exempted from that deadline (whether as a result of a stay or a more limited extension) by the close of business on October 6, 2025.

U.S. DEPARTMENT OF JUSTICE
CIVIL DIVISION, OFFICE OF IMMIGRATION LITIGATION
P.O. BOX 878, BEN FRANKLIN STATION
WASHINGTON, D.C. 20044

Defendants hereby move for a stay of proceedings in this case, including all discovery deadlines.

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

2. Absent an appropriation, Department of Justice 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 of Justice therefore requests a stay of proceedings in this case, including discovery, until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations—i.e., each deadline would be extended by the total number of days of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state the following: "Given the circumstances of our clients in this case, and the indefinite nature of the shutdown, Plaintiffs oppose a stay. Plaintiffs would, however, be willing to agree to an extension of the deadline for the upcoming joint status report and discovery plan for 14 days or the number of days

of the lapse in appropriations, whichever is shorter, with the parties to confer on the possibility of an additional extension if appropriations have not been restored within 14 days from the current deadline (October 10) for the joint status report and discovery plan."

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of proceedings in this case, including all discovery deadlines, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

October 1, 2025

Respectfully submitted,

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I certify that this memorandum contains 365 words, in compliance with the Local Civil Rules.