

1 The Honorable Barbara J. Rothstein  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARTIN LUTHER KING, JR. COUNTY, *et al.*

Plaintiffs,

vs.

SCOTT TURNER in his official capacity as  
Secretary of the U.S. Department of Housing  
and Urban Development, *et al.*,

Defendants.

NO. 2:25-cv-814

**ORDER GRANTING PLAINTIFFS'  
FOURTH MOTION FOR  
PRELIMINARY INJUNCTION**

**I. INTRODUCTION**

Before the Court is Plaintiffs' Fourth Motion for Preliminary Injunction, which  
Defendants oppose. Dkt. Nos. 346 and 372. Having reviewed the motion, opposition, and reply  
thereto, the record of the case, and the relevant legal authority, the Court will grant the motion.  
The reasoning for the Court's decision follows.

ORDER GRANTING PLAINTIFFS' FOURTH  
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## II. PROCEDURAL HISTORY

2 This case started on May 2, 2025 when eight cities and counties sued the United States  
3 Department of Housing and Urban Development (“HUD”), the United States Department of  
4 Transportation (“DOT”), and the Federal Transit Administration (“FTA”), as well as the  
5 respective agency heads in their official capacities, challenging the imposition of new funding  
6 conditions on grants that had been conditionally awarded to the cities and counties for fiscal year  
7 2024. Dkt. No. 1. This Court issued a temporary restraining order on those original claims on May  
8 21, 2025. Dkt. No. 52. Plaintiffs then amended the complaint to add 23 new plaintiffs, as well as  
9 three new defendants: the Federal Highway Administration (“FHWA”), the Federal Aviation  
10 Administration (“FAA”), and the Federal Railroad Administration (“FRA”), and the  
11 corresponding agency heads in their official capacities. Dkt. No. 71. Thereafter, this Court  
12 granted Plaintiffs’ first and second motions for a preliminary injunction on June 3, 2025 (“the  
13 June 3, 2025 Injunction”). Dkt. No. 169. Defendants’ appeal of the June 3, 2025 Injunction is  
14 pending. Dkt. No. 173.

15 In July 2025, Plaintiffs amended the complaint again, adding 29 new units of local  
16 governments as plaintiffs, and adding the United States Department of Health and Human  
17 Services (“HHS”), including the Administration for Children and Families (“ACF”), Health  
18 Resources and Services Administration (“HRSA”), National Institutes of Health (“NIH”),  
19 Substance Abuse and Mental Health Services Administration (“SAMHSA”), and the Centers for  
20 Disease Control and Prevention (“CDC”) as defendants. Dkt. No. 184. Plaintiffs then filed a third  
21 motion for preliminary injunction that encompassed these new parties, which this Court granted

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1 on August 12, 2025 (“the August 12, 2025 Injunction”). Dkt. Nos. 186 and 338. Defendants  
 2 appealed the August 12, 2025 Injunction as well, and it also remains pending. Dkt. No. 342.

3 Plaintiffs’ latest amended complaint, filed in November 2025, adds 15 new state and  
 4 local entities as plaintiffs (“the Additional Plaintiffs”).<sup>1</sup> Dkt. No. 369. In the instant motion,  
 5 Plaintiffs seek to extend the August 12, 2025 Injunction to encompass the Additional Plaintiffs.  
 6 Dkt. No. 346. In addition, three existing Plaintiffs that did not previously move for injunctive  
 7 relief as to some of their grants now seek such relief.<sup>2</sup>

### 8                   **III. FACTUAL BACKGROUND**

9                   The relevant factual allegations have already been set forth in extensive detail on several  
 10 occasions and will not be repeated here. *See, e.g.*, Dkt. Nos. 169 and 338. Instead, it is sufficient  
 11 to state that this action challenges grant funding conditions that HUD, DOT, and HHS have been  
 12 attaching to grants they administer pursuant to congressionally authorized programs. Plaintiffs  
 13 allege that these conditions are unlawful and seek to force Plaintiffs to implement the Trump  
 14 Administration’s policy objectives, including ending diversity, equity, and inclusion (“DEI”)  
 15 programs, aggressively enforcing immigration law, and adhering to other executive orders  
 16 unrelated to the programs’ purposes. As such, Plaintiffs sought to enjoin Defendants from  
 17 imposing the new funding conditions on their grants.

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19                   <sup>1</sup> The Additional Plaintiffs are City of Albany (“Albany”), Allegheny County, City of Berkeley  
 20 (“Berkeley”), City of Bothell (“Bothell”), City of Cincinnati (“Cincinnati”), Delaware County,  
 21 Los Angeles Homeless Services Authority (“LAHSA”), City of New Haven (“New Haven”),  
 22 City of Olympia (“Olympia”), City of Palo Alto (“Palo Alto”), City of Port Angeles (“Port  
 23 Angeles”), City of Santa Fe (“Santa Fe”), City of Spokane (“Spokane”), City of Tacoma  
 24 (“Tacoma”), and Thurston County.

25                   <sup>2</sup> The three existing plaintiffs are City and County of Denver (“Denver”), the Metropolitan  
 26 Government of Nashville and Davidson County (“Nashville”), and City of Tucson (“Tucson”).

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1       This Court previously determined that Plaintiffs are likely to succeed on the merits of  
2 their claims that Defendants' actions violated the Administrative Procedure Act ("APA"), 5  
3 U.S.C. § 551 *et seq.*, as contrary to the constitution and in excess of statutory authority, and  
4 arbitrary and capricious and, as such, granted preliminary injunctions enjoining Defendants from,  
5 among other things, imposing or enforcing the challenged funding conditions at any stage of the  
6 grant-making process.

7       With this motion, Plaintiffs allege that the Additional Plaintiffs are also confronted with  
8 the untenable choice of either accepting the unlawful funding conditions or face the imminent,  
9 irreparable harm of losing grant funds that provide for important community services. For  
10 instance, Plaintiffs claim that the Additional Plaintiffs with HUD grants use those funds to  
11 provide housing, supportive services, and other critical homelessness assistance; home  
12 modifications for seniors and people with disabilities; veterans' housing rehabilitation; food  
13 security; senior home rehabilitation; lead paint remediation; crime reduction; and small business  
14 assistance.<sup>3</sup> Plaintiffs allege that these HUD funds ensure families can stay in safe housing that

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17       <sup>3</sup> Dkt. No. 348 (Grande Decl. ¶¶ 6, 11, 13 (Albany)); Dkt. No. 349 (Fournier Decl. ¶ 7  
18 (Allegheny County)); Dkt. No. 352 (Sutter Decl. ¶ 10 (Cincinnati)); Dkt. No. 358 (Elicker Decl.  
19 ¶ 6 (New Haven)); Dkt. No. 352 (Sutter Decl. ¶ 10 (Cincinnati)); Dkt. No. 358 (Elicker Decl. ¶ 6  
20 (New Haven)); Dkt. No. 359 (Everett Decl. ¶ 5 (Olympia)); Dkt. No. 352 (Sutter Decl. ¶ 10  
21 (Cincinnati)); Dkt. No. 366 (Hernandez Decl. ¶ 6. (Thurston County)); Dkt. No. 353 (O'Malley  
22 Decl. ¶ 6 (Delaware County)); Dkt. No. 355 (Reed Decl. ¶ 7 (LAHSA)); Dkt. No. 62 (Oster  
23 Decl. ¶ 6 (Santa Fe)); Dkt. No. 363 (Kinder Decl. ¶ 6 (Spokane)); Dkt. No. 352 (Sutter Decl. ¶  
24 10 (Cincinnati)); Dkt. No. 358 (Elicker Decl. ¶ 6 (New Haven)); Dkt. No. 366 (Hernandez Decl.  
25 ¶ 6 (Thurston County)); Dkt. No. 352 (Sutter Decl. ¶ 10 (Cincinnati)); Dkt. No. 353 (O'Malley  
Decl. ¶ 6 (Delaware County)); Dkt. No. 363 (Kinder Decl. ¶ 6 (Spokane)); Dkt. No. 352 (Sutter  
Decl. ¶ 10 (Cincinnati)); Dkt. No. 359 (Everett Decl. ¶ 5 (Olympia)); Dkt. No. 364 (Kim Decl. ¶  
6 (Tacoma)).

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1 meets their needs and that without HUD funds, residents will lose access to housing, meals, and  
 2 other lifesaving services.<sup>4</sup>

3 Plaintiffs further allege that the Additional Plaintiffs who receive HHS grants use those  
 4 funds for, among other things, HIV prevention; meals and assistance for seniors; substance use  
 5 disorder treatment; foster care and adoption assistance; and home health visits to families with  
 6 young children.<sup>5</sup> They claim that loss of HHS funds will mean many of these programs will be  
 7 curtailed or terminated, and residents will lose access to food, medical care, childcare, housing,  
 8 and other critical services.<sup>6</sup> They also claim that loss of funds will have serious public health  
 9 consequences, such as diminished pandemic preparedness and communicable disease control.<sup>7</sup>

10 Plaintiffs allege that the Additional Plaintiffs with DOT grants use those funds for  
 11 pedestrian safety; bridge improvements; airfield maintenance and improvements; equipment  
 12 modernization, such as repowering locomotives; zero-emission vehicles; and signal system

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<sup>4</sup> Dkt. No. 349 (Fournier Decl. ¶¶ 7, 14 (Allegheny County)); Dkt. No. 359 (Everett Decl. ¶¶ 5, 10 (Olympia)); Dkt. No. 364 (Kim Decl. ¶¶ 6, 12 (Tacoma)); Dkt. No. 355 (Reed Decl. ¶ 13 (LAHSA)); Dkt. No. 358 (Elicker Decl. ¶ 12 (New Haven)); Dkt. No. 363 (Kinder Decl. ¶ 12 (Spokane)).

<sup>5</sup> Dkt. No. 353 (O'Malley Decl. ¶ 6 (Delaware County)); Dkt. No. 358 (Elicker Decl. ¶ 6 (New Haven)); Dkt. No. 350 (Buddenhagen Decl. ¶ 7 (Berkeley)); Dkt. No. 353 (O'Malley Decl. ¶ 6 (Delaware County)); Dkt. No. 362 (Oster Decl. ¶ 6 (Santa Fe)); Dkt. No. 349 (Fournier Decl. ¶ 7 (Allegheny County)); Dkt. No. 353 (O'Malley Decl. ¶ 6 (Delaware County)); Dkt. No. 353 (O'Malley Decl. ¶ 6 (Delaware County)); Dkt. No. 353 (O'Malley Decl. ¶ 6 (Delaware County)).

<sup>6</sup> Dkt. No. 366 (Hernandez Decl. ¶ 12 (Thurston County)); Dkt. No. 353 (O'Malley Decl. ¶ 13 (Delaware County)); Dkt. No. 349 (Fournier Decl. ¶ 15 (Allegheny County))

<sup>7</sup> Dkt. No. 349 (Fournier Decl. ¶¶ 7, 15 (Allegheny County)); Dkt. No. 352 (Sutter Decl. ¶¶ 12, 21 (Cincinnati)); Dkt. No. 353 (O'Malley Decl. ¶¶ 5–6, 13 (Delaware County)).

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1 enhancements.<sup>8</sup> They claim that losing DOT funding will result in service reductions, delay or  
 2 cancelation of planned improvement projects, and disruption of operational and fiscal planning.<sup>9</sup>

3       Lastly, Plaintiffs allege that existing Plaintiffs Nashville and Tucson did not initially join  
 4 Plaintiffs' preliminary injunction motion as to the HHS Grant Conditions, and existing Plaintiff  
 5 Denver did not initially join Plaintiffs' preliminary injunction motion as to Non-CoC HUD Grant  
 6 Conditions, but those Plaintiffs now seek relief as to those agencies. Plaintiffs claim that HHS is  
 7 now seeking to apply the contested funding conditions to Nashville and Tucson's already-  
 8 awarded grants, and both cities will likely face these same conditions for future HHS draw  
 9 downs and in any future HHS grants they are awarded.<sup>10</sup> Thus, Nashville and Tucson now seek  
 10 the same preliminary injunctive relief the Court granted as to the other Plaintiffs challenging the  
 11 HHS Grant Conditions.<sup>11</sup> Similarly, Plaintiffs claim that HUD is now requiring Denver to accept  
 12 the challenged funding conditions in order to accept its HUD block grant awards, and now seeks

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15       <sup>8</sup> Dkt. No. 350 (Buddenhagen Decl. ¶ 6 (Berkeley)); Dkt. No. 351 (Wong Decl. ¶ 6 (Bothell));  
 16 Dkt. No. 353 (O'Malley Decl. ¶ 6 (Delaware County)); Dkt. No. 358 (Elicker Decl. ¶ 6 (New  
 17 Haven)); Dkt. No. 351 (Wong Decl. ¶ 6 (Bothell)); Dkt. No. 352 (Sutter Decl. ¶ 11 (Cincinnati));  
 18 Dkt. No. 358 (Elicker Decl. ¶ 6 (New Haven)); Dkt. No. 366 (Hernandez Decl. ¶ 6 (Thurston  
 County)); Dkt. No. 352 (Sutter Decl. ¶ 11 (Cincinnati)); Dkt. No. 362 (Oster Decl. ¶ 6 (Santa  
 Fe)); Dkt. No. 365 (Matheson Decl. ¶ 6 (Tacoma)); Dkt. No. 360 (Shikada Decl. ¶ 8 (Palo Alto));  
 Dkt. No. 351 (Wong Decl. ¶ 6 (Bothell)).

19       <sup>9</sup> Dkt. No. 349 (Fournier Decl. ¶¶ 13, 15 (Allegheny County)); Dkt. No. 351 (Wong Decl. ¶ 11  
 20 (Bothell)); Dkt. No. 352 (Sutter Decl. ¶¶ 18, 20–21 (Cincinnati)); Dkt. No. 353 (O'Malley Decl.  
 ¶ 13 (Delaware County)); Dkt. No. 358 (Elicker Decl. ¶ 12 (New Haven)); Dkt. No. 360  
 (Shikada Decl. ¶ 14 (Palo Alto)); Dkt. No. 361 (Curtin Decl. ¶ 12 (Port Angeles)); Dkt. No. 365  
 (Matheson Decl. ¶ 12 (Tacoma)).

21       <sup>10</sup> Dkt. No. 357 (Dairo Decl. ¶¶ 9–17 (Nashville)); Dkt. No. 356 (Areola Decl. ¶¶ 8–10, 12–14  
 (Nashville)); Dkt. No. 367 (Halversen Decl. ¶¶ 5, 7 (Tucson)).

22       <sup>11</sup> See Dkt. No. 356 (Areola Decl. ¶¶ 6–7, 11, 15 (Nashville)); Dkt. No. 357 (Dairo Decl. ¶¶ 6–7,  
 12, 15, 18 (Nashville)); Dkt. No. 367 (Halversen Decl. ¶¶ 6, 8 (Tucson)).

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1 the same preliminary injunctive relief the Court granted to other Plaintiffs challenging the Non-  
 2 CoC HUD Grant Conditions.<sup>12</sup>

3 **IV. LEGAL STANDARD**

4 A preliminary injunction is “an extraordinary remedy that may only be awarded upon a  
 5 clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*,  
 6 555 U.S. 7, 22 (2008). “A plaintiff seeking preliminary injunctive relief must establish that [it] is  
 7 likely to succeed on the merits, that [it] is likely to suffer irreparable harm in the absence of  
 8 preliminary relief, that the balance of equities tips in [its] favor, and that an injunction is in the  
 9 public interest.” *Id.* at 20. An injunction may also be awarded where “the likelihood of success is  
 10 such that serious questions going to the merits were raised and the balance of hardships tips  
 11 sharply in [the plaintiff’s] favor,” provided that the plaintiff can also demonstrate the other two  
 12 *Winter* factors. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131–32 (9th Cir. 2011)  
 13 (citation and internal quotation marks omitted). Under either standard, the plaintiff bears the  
 14 burden of making a clear showing that it is entitled to this extraordinary remedy. *California v.*  
 15 *Trump*, 379 F. Supp. 3d 928, 937 (N.D. Cal. 2019) (citing *Earth Island Inst. v. Carlton*, 626 F.3d  
 16 462, 469 (9th Cir. 2010)). The most important *Winter* factor is likelihood of success on the  
 17 merits. *See Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017).

18 In considering the likelihood of success on the merits, the court is not strictly bound by  
 19 the rules of evidence, as the “preliminary injunction is customarily granted on the basis of  
 20 procedures that are less formal and evidence that is less complete than in a trial on the merits.”

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 22 <sup>12</sup> Dkt. No. 354 (Doheny Decl. ¶¶ 6–15 (Denver)).

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1 *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395 (1981). “Because of the extraordinary nature of  
 2 injunctive relief, including the potential for irreparable injury if not granted, a district court may  
 3 consider evidence outside the normal rules of evidence, including: hearsay, exhibits,  
 4 declarations, and pleadings.” *Nat'l Rifle Assoc. of Am. v. City of Los Angeles*, 441 F. Supp. 3d  
 5 915, 926 (C.D. Cal. 2019) (citing *Johnson v. Couturier*, 572 F.3d 1067, 1083 (9th Cir. 2009)).

6 **V. DISCUSSION**

7 As stated above, this is the fourth request for a preliminary injunction in this matter.  
 8 Plaintiffs assert that the Additional Plaintiffs, as well as Nashville, Tucson, and Denver, seek the  
 9 same injunctive relief previously granted to the other Plaintiffs with respect to the challenged  
 10 HUD, DOT, and HHS funding conditions, based on factual and legal showings that Plaintiffs  
 11 contend are materially indistinguishable. Plaintiffs further note that the Court has already  
 12 determined that Plaintiffs are likely to succeed on the merits of their challenge to those  
 13 conditions and that they face a likelihood of irreparable harm absent preliminary relief. On that  
 14 basis, Plaintiffs maintain that the existing injunctions should be extended to the Additional  
 15 Plaintiffs as well as Nashville, Tucson, and Denver.

16 Defendants acknowledge that the Additional Plaintiffs rely on facts and law that are  
 17 largely indistinguishable from those advanced by the existing Plaintiffs and further concede that  
 18 this Court has found such showings sufficient to warrant preliminary injunctive relief.  
 19 Accordingly, Defendants do not reassert their prior arguments here, but instead incorporate them  
 20 by reference. *See, e.g.*, Dkt. No. 372 at 3-4 (stating that this “Court should deny Plaintiffs’ fourth  
 21 preliminary injunction motion for the same reasons set out in Defendants’ prior briefs” and that  
 22 Defendants “continue to stand on [the] counterarguments” raised in opposition to the three prior

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1 motions for injunctive relief and “incorporate them by reference here”). Because the parties elect  
2 to rely on arguments previously presented—arguments that the Court has already thoroughly  
3 considered and resolved—the Court does not revisit them here. The Court instead addresses only  
4 the limited new arguments Defendants raise with respect to the Additional Plaintiffs.

5 First, Defendants contend—in cursory fashion—that the Additional Plaintiffs’ claims of  
6 irreparable harm are undermined because they did not seek injunctive relief until November,  
7 several months after the other Plaintiffs did. *See* Dkt. No. 372 at 6. The Court is unpersuaded. As  
8 explained in detail in the Court’s June 3 and August 12 orders, Defendants have implemented  
9 their grant-related guidance in a haphazard, piecemeal, and unpredictable manner, frequently  
10 seemingly contradicting guidance issued only weeks earlier. This shifting landscape has required  
11 grant recipients to repeatedly reassess the impact of Defendants’ actions on their programs and  
12 operations, often under significant time pressure and with substantial consequences for services  
13 fundamental to their communities. In these circumstances, it is neither surprising nor legally  
14 significant that additional local entities—operating on differing grant cycles and subject to  
15 varying deadlines—have experienced harm and sought relief at later points as Defendants’  
16 actions have continued. The timing of the Additional Plaintiffs’ requests therefore does not  
17 undermine their showing of irreparable harm.

18 Second, Defendants contend that the August 12, 2025 Injunction “bars DOT and its  
19 components from enforcing four new conditions that were never addressed or argued in  
20 Plaintiffs’ briefing seeking that injunction,” and therefore should not apply to the Additional  
21 Plaintiffs.<sup>13</sup> *Id.* at 7. The Court disagrees. First, Defendants did not raise this argument in

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<sup>13</sup> The four conditions that Defendant challenges are:

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1 opposition to Plaintiffs' motion seeking the August 12, 2025 Injunction and, as a general matter,  
 2 failure to raise an argument at the appropriate stage constitutes forfeiture of the argument in later  
 3 stages of the litigation. *See, e.g., Willis Re Inc. v. Herriott*, 550 F. Supp. 3d 68, 86 (S.D.N.Y.  
 4 2021) (defendant forfeited arguments in opposition to a preliminary injunction by failing to raise  
 5 them in opposition to an earlier motion for a temporary restraining order) (citation omitted).  
 6 More importantly, Plaintiffs did address the four challenged conditions in prior submissions,  
 7 which were incorporated by reference into their motion seeking the August 12, 2025 Injunction.  
 8 *See* Dkt. No. 186 at 11. The Court found these arguments persuasive in granting both the June 3  
 9 and August 12, 2025 Injunctions.

10       Lastly, Defendants argue that "any new injunction [should] make clear that it does not  
 11 prohibit Defendants from requiring certification of compliance with basic, longstanding civil  
 12 rights laws." *Id.* at 8. This contention merely repackages Defendants' previously rejected  
 13 argument that the challenged funding conditions do no more than require grant recipients to

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- 16       • "The recipient or applicant agrees to comply with executive orders, including but not limited to Executive  
     Order 14168 titled Defending Women From Gender Ideology Extremism and Restoring Biological Truth  
     to the Federal Government, as they relate to the application, acceptance, and use of Federal funds for this  
     project or grant.
- 17       • "The recipient or applicant will follow applicable federal laws pertaining to Subchapter 12, and be subject  
     to the penalties set forth in 8 U.S.C. § 1324, Bringing in and harboring certain aliens, and 8 U.S.C. § 1327,  
     Aiding or assisting certain aliens to enter."
- 18       • "The recipient or applicant must comply with other applicable federal nondiscrimination laws, regulations,  
     and requirements, and follow federal guidance prohibiting discrimination."
- 19       • "Performance under this agreement or application shall be governed by and in compliance with the  
     following requirements, as applicable, to the type of organization of the recipient or applicant and any  
     applicable sub-recipients. The applicable provisions to this agreement or application include, but are not  
     limited to, the following: Bringing in and harboring certain aliens – 8 U.S.C. 1324; Aiding or assisting  
     certain aliens to enter – 8 U.S.C. 1327; Executive Order 14151, Ending Radical and Wasteful Government  
     DEI Programs and Preferencing; Executive Order 14168 Defending Women from Gender Ideology  
     Extremism and Restoring Biological Truth to the Federal Government; and Executive Order 14173,  
     Ending Illegal Discrimination and Restoring Merit-Based Opportunity."

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 23 Dkt. No. 372 at 7.

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1 comply with existing federal antidiscrimination laws. As this Court has already explained, the  
2 flaw in that position is that the record is replete with evidence showing that Defendants interpret  
3 federal antidiscrimination laws in a manner inconsistent with well-established legal precedent.  
4 *See, e.g., King County, et al. v. Turner*, 2025 WL 2322763, at \*12–13 (W.D. Wash. Aug. 12,  
5 2025) (internal citations omitted). Grant recipients are thus forced to choose between complying  
6 with federal antidiscrimination laws as interpreted by the Trump Administration or as established  
7 by controlling legal authority. That choice is untenable, particularly when coupled with the  
8 requirement that recipients “certify” that such compliance is “material” for purposes of the False  
9 Claims Act. The Court has rejected this argument before and does so again here.

10 **VI. CONCLUSION**

11 For the foregoing reasons, as well as the reasons stated in the June 3 and August 12, 2025  
12 orders granting Plaintiffs’ previous motions for a preliminary injunction, the Court HEREBY  
13 RULES as follows:

14 (1) the Additional Plaintiffs, as well as existing Plaintiffs Nashville, Tucson, and Denver,  
15 are likely to succeed on the merits of their claims that the challenged HUD, DOT, and HHS  
16 funding violate separation of powers, are not authorized by statute, and are arbitrary and  
17 capricious;

18 (2) the Additional Plaintiffs, as well as existing Plaintiffs Nashville, Tucson, and Denver,  
19 present sufficient evidence to support their claims that they face imminent, irreparable harm  
20 absent emergency relief;

21 (3) that the balance of equities and public interest favors an injunction; and

22 (4) a stay and/or bond is not warranted.

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1 Therefore, Plaintiffs' fourth motion for a preliminary injunction is GRANTED and the August  
2 12, 2025 preliminary injunction [Dkt. No. 338] is EXTENDED, as follows:

- 3 A. The definition of "CoC Plaintiffs" is amended to include the  
4 Additional HUD CoC Plaintiffs as defined in Appendix I, and  
5 Paragraphs 2–3 of the injunction are extended to apply to the  
6 Additional HUD CoC Plaintiffs.
- 7 B. The definition of "Non-CoC HUD Plaintiffs" is amended to  
8 include the Additional HUD Non-CoC Plaintiffs as defined in  
9 Appendix I, and Paragraphs 4–5 of the injunction are extended to  
10 apply to the Additional HUD Non-CoC Plaintiffs.
- 11 C. The definition of "Non-CoC HUD Plaintiffs" is further amended to  
12 include Denver, and Paragraphs 4–5 of the injunction are extended  
13 to apply to Denver.
- 14 D. The definition of "DOT Plaintiffs" is amended to include the  
15 Additional DOT Plaintiffs as defined in Appendix I, and  
16 Paragraphs 6–7 of the injunction are extended to apply to the  
17 Additional DOT Plaintiffs.
- 18 E. The definition of "HHS Plaintiffs" is amended to include the  
19 Additional HHS Plaintiffs as defined in Appendix I, and  
20 Paragraphs 8–9 of the injunction are extended to apply to the  
21 Additional HHS Plaintiffs.
- 22 F. The definition of "HHS Plaintiffs" is further amended to include  
23 Nashville and Tucson, and Paragraphs 8–9 of the injunction are  
24 extended to apply to Nashville and Tucson.
- 25 G. The notice and compliance provisions in Paragraphs 10–11 of the  
26 injunction are extended to apply to the Additional Plaintiffs, to  
27 Denver as to the Non-CoC HUD Grant Conditions, and to  
28 Nashville and Tucson as to the HHS Grant Conditions.

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1 This order shall remain in effect pending further orders from this Court.

2 Dated this 21st day of January 2026.

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Barbara Jacobs Rothstein  
U.S. District Court Judge

## APPENDIX I

The “Additional HUD CoC Plaintiffs” are:

- Allegheny County, Pennsylvania
- City of Berkeley, California
- City of Cincinnati, Ohio
- Delaware County, Pennsylvania
- Los Angeles Homeless Services Authority (LAHSA)
- City of Spokane, Washington

• The “Additional HUD Non-CoC Plaintiffs” are:

- City of Albany, New York
- Allegheny County, Pennsylvania
- City of Berkeley, California
- City of Cincinnati, Ohio
- Delaware County, Pennsylvania
- Los Angeles Homeless Services Authority (LAHSA)
- City of New Haven, Connecticut

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- 1      • City of Olympia, Washington
- 2      • City of Palo Alto, California
- 3      • City of Port Angeles, Washington
- 4      • City of Santa Fe, New Mexico
- 5      • City of Spokane, Washington
- 6      • City of Tacoma, Washington
- 7      • Thurston County, Washington

8 The “Additional DOT Plaintiffs” are:

- 9      • City of Albany, New York
- 10     • Allegheny County, Pennsylvania
- 11     • City of Berkeley, California
- 12     • City of Bothell, Washington
- 13     • City of Cincinnati, Ohio
- 14     • Delaware County, Pennsylvania
- 15     • City of New Haven, Connecticut
- 16     • City of Palo Alto, California
- 17     • City of Port Angeles, Washington
- 18     • City of Santa Fe, New Mexico
- 19     • City of Tacoma, Washington
- 20     • Thurston County, Washington

21 The “Additional HHS Plaintiffs” are:

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- Allegheny County, Pennsylvania
- City of Berkeley, California
- City of Cincinnati, Ohio
- Delaware County, Pennsylvania
- City of New Haven, Connecticut
- City of Santa Fe, New Mexico
- Thurston County, Washington

The Additional HUD CoC Plaintiffs, Additional HUD Non-CoC Plaintiffs, Additional DOT Plaintiffs, and Additional HHS Plaintiffs, collectively, are referred to herein as the Additional Plaintiffs.

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