

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

HARRY WILEY and
MATTHEW WARD, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

Case No: 2:25-cv-00227

ROBERT F. KENNEDY, JR., in his official
Capacity as Secretary of Health and Human
Services, and U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

Defendants.

**MOTION TO HOLD THIS CIVIL MATTER IN ABEYANCE
DUE TO LAPSE OF CONGRESSIONAL APPROPRIATIONS**

Defendants hereby move to hold the above-captioned case in abeyance for a period of fourteen (14) days and assign the following reasons in support:

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Health and Human Services and Department of Justice (collectively, “Departments”) expired and appropriations to the Departments lapsed. The Departments do not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the Department of Health and Human Services 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. Therefore, the lapse in appropriations requires a reduction in the workforce of the United States Attorney's Office and other federal agencies, such as the Department of Health and Human Services, particularly with respect to the defense of civil cases.

4. Undersigned counsel for the Department of Justice therefore requests that this civil action be held in abeyance for a period of fourteen (14) days and that the Court enter an order similar to the sua sponte "General Order Holding Civil Matters in Abeyance" entered by this Court on December 26, 2018, following a previous lapse of congressional appropriations. *See In re Petition for a General Order Holding Civil Matters in Abeyance in Which the United States is a Party Due to Lapse of Congressional Appropriations Funding the Department of Justice and the United States Attorney's Office*, No. 2:18-mc-00196 (S.D. W. Va. Dec. 26, 2018), available at https://www.wvsc.uscourts.gov/sites/wvsc/files/general-ordes/18-mc-196%20Order_12-26-18.pdf.

5. Undersigned counsel further requests the opportunity to move for an extension of any abeyance depending on developments in the stay period affecting Department of Justice attorneys' ability to resume their usual civil litigation functions and Department of Health and Human Services employees' ability to participate in this litigation.

6. If this motion is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Departments. Defendants request that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations or the requested fourteen (14) day period, whichever is longer.

Therefore, although Defendants greatly regret any disruption caused to the Court and the other litigants, Defendants hereby move that this civil action be held in abeyance for a period of fourteen (14) days.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2025, I electronically filed the foregoing **MOTION TO HOLD THIS CIVIL MATTER IN ABEYANCE DUE TO LAPSE OF CONGRESSIONAL APPROPRIATIONS** with the Clerk of the Court using the CM/ECF system which will send notification to the following CM/ECF participants:

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