

**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.

**Civil Action No. 2:25-cv-0227  
(Honorable Irene C. Berger)**

**ROBERT F. KENNEDY, JR., in his  
official capacity as Secretary of Health  
and Human Services, and  
US DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**Defendants.**

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

Plaintiffs, through counsel, advise this Court that they do not oppose Defendants' Motion to Hold This Civil Matter in Abeyance.

**Respectfully Submitted,  
HARRY WILEY and MATTHEW  
WARD, individually and on behalf of all  
others similarly situated,  
By counsel:**

/s/ Bren J. Pomponio  
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