

**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.

**JOINT MOTION TO HOLD CASE IN ABEYANCE**

This action challenges the 2025 Reductions-in-Force (RIF) that affected certain divisions within the National Institute for Occupational Safety and Health (NIOSH). On January 13, 2026, Defendants rescinded the NIOSH RIFs. [NIOSH employees reinstated after protracted fight - WV MetroNews](#) (January 14, 2026). Plaintiffs understand that this development will most likely result in the restoration of the NIOSH components identified in Plaintiffs' operative complaint and the resumption of their work. Because this development may result in complete relief for Plaintiffs and obviate the need for this Court to rule on the matter, the parties jointly move this Court to hold the case in abeyance and require the parties to submit a status report in sixty (60) days to inform the Court of NIOSH's status and propose a resolution to this matter.

Determining whether to hold a case in abeyance is "a matter of discretion" that requires the Court to "balance the interest in judicial economy against any potential prejudice to the parties." *Nat'l Hydropower Ass'n v. U.S. Fish & Wildlife Serv.*, 2025 WL 1555156, at \*2 (D.D.C.

June 2, 2025). Here, the balance tilts strongly in favor of holding this case in abeyance. The District Court in the District of Columbia recently granted the same request from Plaintiffs in a related case that also challenged the now rescinded NIOSH RIFs. *Nat'l Nurses United, et al. v. Kennedy*, No. 1:25-cv-1538-TNM, Minute Order (D.D.C. Jan. 20, 2026) (granting Plaintiffs' unopposed motion to hold the case in abeyance for sixty days). Likewise, all parties here consent to holding this case in abeyance for at least sixty days while NIOSH employees who were on administrative leave return to work.

Therefore, this Court should grant the parties' joint motion, enter an order holding this case in abeyance, and direct the parties to submit a joint status report within sixty days.

Respectfully submitted,

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**/s/ J. Michael Becher**

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 26, 2026, I electronically filed the foregoing **JOINT MOTION TO HOLD CASE IN ABEYANCE** on behalf of the parties with the Clerk of the Court using the CM/ECF system which will send notification to counsel for all interested parties.

By: **/s/ Matthew C. Lindsay**

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