

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NATIONAL ASSOCIATION OF  
GOVERNMENT EMPLOYEES,

*Plaintiff,*

v.

JANET YELLEN, Secretary of Treasury, and  
JOSEPH R. BIDEN, JR., President of the  
United States

*Defendants.*

Civil Action No: 1:23-cv-11001-RGS

**DEFENDANTS' MOTION TO SET ZOOM STATUS CONFERENCE, STAY THE  
CURRENT BRIEFING SCHEDULE, AND VACATE THE MAY 31, 2023 HEARING**

Per the Court's scheduling order, Defendants' response to Plaintiff's motion for preliminary injunction (ECF No. 7) is currently due on or before Tuesday, May 30, 2023. *See* ECF No. 19. The Court has further set the matter for a hearing on Wednesday, May 31, 2023. *See* ECF No. 20. Recent developments, in Defendants' view, justify staying the current briefing schedule and vacating the May 31, 2023 hearing. Defendants therefore request a Zoom status conference with the Court at its earliest convenience to discuss these developments and, in the meantime, request that the Court stay briefing in this case and vacate the May 31 hearing until the parties and the Court can decide appropriate next steps.

Since the time that the Court entered its scheduling order, two key developments have occurred that support the relief Defendants seek. First, on Friday, May 26, Defendant Secretary Yellen sent a letter to Speaker of the House Kevin McCarthy, clarifying that, based on the most recent available data, the Treasury department's predicted date on which it would be unable to meet all of the government's financial obligations ("the X-Date") would be Monday, June 5, 2023. Second, on May 28, 2023, the President and the Speaker of the House each announced that they had reached an

agreement in principle on a bipartisan budget agreement that would increase the debt limit. It is anticipated that the House of Representatives and the Senate will vote on the agreement by the end of this week.

Because the X-date is now estimated to be June 5, and because Congress may pass legislation this week raising the Debt Limit, Defendants submit that proceeding on the current schedule would be unnecessarily burdensome and would waste both the parties' and the Court's resources. Indeed, the relief that Plaintiff seeks may be counterproductive in light of the agreement in principle that has been reached.

Because Defendants currently owe their opposition brief on Tuesday, May 30, they request that the Court immediately stay briefing and vacate the May 31 hearing until it is able to hold a Zoom status conference. Doing so will also avoid the need for Defendants' counsel to travel to Boston for a hearing that may not be necessary.

Counsel for Defendants have conferred with counsel for Plaintiff. While Plaintiff agrees that a Zoom status conference at the Court's earliest convenience would be appropriate, Plaintiff otherwise opposes the relief requested herein.

Dated: May 29, 2023

Respectfully submitted,

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/s/Brad P. Rosenberg  
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**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION TO SET ZOOM  
STATUS CONFERENCE, STAY THE CURRENT BRIEFING SCHEDULE, AND  
VACATE THE MAY 31, 2023 HEARING**

For good cause shown, the Court GRANTS Defendants' motion to set a Zoom status conference, stay the current briefing schedule, and vacate the May 31, 2023 hearing. Accordingly:

- All briefing on Plaintiff's motion for preliminary injunction is STAYED;
- The May 31, 2023 hearing on Plaintiff's motion for preliminary injunction is VACATED; and
- A status conference, held via Zoom, is hereby set for [to be inserted by the Court]

IT IS SO ORDERED.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Richard G. Stearns  
United States District Court Judge