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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, KEN ALEX, NELL
GREEN NYLEN, ROBERT HIRST,
CHRISTINE PHILLIOU, and JEDDA
FOREMAN, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States;
DEPARTMENT OF GOVERNMENT
EFFICIENCY (“DOGE”);
AMY GLEASON, in her official capacity as
Acting Administrator of the Department of
Government Efficiency;
NATIONAL SCIENCE FOUNDATION;

Case No. 3:25-cv-4737

**JOINT STATEMENT REGARDING
PROPOSED SCHEDULE ON
SUPPLEMENTAL BRIEFING**

1 [caption cont'd next page]

2 BRIAN STONE, in his official capacity as
3 Acting Director of the National Science
4 Foundation;
5 NATIONAL ENDOWMENT FOR THE
6 HUMANITIES;
7 MICHAEL MCDONALD, in his official
8 capacity as Acting Chairman of the National
9 Endowment for the Humanities;
10 UNITED STATES ENVIRONMENTAL
11 PROTECTION AGENCY;
12 LEE ZELDIN, in his official capacity as
13 Administrator of the U.S. Environmental
14 Protection Agency;
15 UNITED STATES DEPARTMENT OF
16 AGRICULTURE;
17 BROOKE ROLLINS, in her official capacity as
18 Secretary of the U.S. Department of Agriculture;
19 AMERICORPS (a.k.a. the CORPORATION
20 FOR NATIONAL AND COMMUNITY
21 SERVICE);
22 JENNIFER BASTRESS TAHMASEBI, in her
23 official capacity as Interim Agency Head of
24 AmeriCorps;
25 UNITED STATES DEPARTMENT OF
26 DEFENSE;
27 PETE HEGSETH, in his official capacity as
28 Secretary of the U.S. Department of Defense;
UNITED STATES DEPARTMENT OF
EDUCATION;
LINDA MCMAHON, in her official capacity as
Secretary of the U.S. Department of Education;
UNITED STATES DEPARTMENT OF
ENERGY;
CHRIS WRIGHT, in his official capacity as
Secretary of Energy;
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the U.S. Department of
Health and Human Services;
UNITED STATES CENTERS FOR DISEASE
CONTROL;
MATTHEW BUZZELLI, in his official capacity
as Acting Director of the Centers for Disease
Control;
UNITED STATES FOOD AND DRUG
ADMINISTRATION;
MARTIN A. MAKARY, in his official capacity
as Commissioner of the Food and Drug
Administration;
UNITED STATES NATIONAL INSTITUTES
OF HEALTH;

JAYANTA BHATTACHARYA, in his official
capacity as Director of the National Institutes of
Health;
INSTITUTE OF MUSEUM AND LIBRARY
SERVICES;
KEITH SONDERLING, in his official capacity
as Acting Director of the Institute of Museum
and Library Services;
UNITED STATES DEPARTMENT OF THE
INTERIOR;
DOUG BURGUM, in his official capacity as
Secretary of the Interior;
UNITED STATES DEPARTMENT OF STATE;
MARCO RUBIO, in his official capacity as
Secretary of the U.S. Department of State;
DEPARTMENT OF TRANSPORTATION;
SEAN DUFFY, in his official capacity as
Secretary for the U.S. Department of
Transportation,

Defendants.

1 The Parties submit this Joint Statement pursuant to the Court’s December 23, 2025, Order
 2 requesting a “proposed schedule for supplemental briefing concerning the effect of the [Ninth
 3 Circuit’s amended order” in *Thakur v. Trump*, 25-4249, Dkt. No. 73, “on the pending motions”
 4 before this Court. Dkt. No. 173.

5 **Briefing:** Since this Court’s Order, Plaintiffs-Appellees moved for reconsideration or
 6 reconsideration *en banc* in the Ninth Circuit on December 29, 2025, and Defendants-Appellants
 7 were ordered to respond to that motion by January 21, 2026. *Thakur v. Trump*, 25-4249, Dkt.
 8 Nos. 74, 75. With respect the issues raised in this Court’s Order, Plaintiffs anticipate
 9 supplemental briefing addressing the effect of the Amended Order on (1) the pending motions
 10 regarding grants terminated by the Department of Energy (Dkt. Nos. 154, 156) as well as (2) the
 11 remaining constitutional claims asserted in Plaintiffs’ complaint and initial motion for preliminary
 12 injunction (i.e., claims regarding separation of powers and the Fifth Amendment). The Parties
 13 propose the following schedule for that briefing:

- 14 • Plaintiffs’ Opening Brief: January 30, 2026
- 15 • Defendants’ Response: February 24, 2026
- 16 • Plaintiffs’ Reply: March 6, 2026
- 17 • Hearing: Court’s convenience¹

18 **Additional schedule implications:** Given the uncertainty the amended order introduced
 19 about the scope of this case, the Parties agree that the most efficient course of action is to await
 20 further clarity from this Court and the appellate courts before proceeding to final judgment on
 21 what may be a subset of the claims. The Parties therefore propose that the Court vacate the
 22 currently scheduled deadlines for the motions for summary judgment and related Administrative
 23 Record deadlines (*see* Dkt. No. 152) pending resolution of the motions and appeals discussed
 24 above.

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 28 ¹ Defendants’ counsel will be out of the country from the afternoon of March 17 through March
 23, and respectfully requests that the Court not schedule a hearing during this time.

1 Dated: January 6, 2026

By: /s/ Kevin R. Budner

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Attorneys for Plaintiffs and the Proposed Class

1 Date: January 6, 2026

By: /s/ Jason Altabet

2 Respectfully submitted,

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5 Civil Division

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7 Deputy Assistant Attorney General

8 JOSEPH E. BORSON
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10 /s/ Jason Altabet
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18 *Attorneys for United States*

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on January 6, 2026, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to registered parties.

Executed January 6, 2026, at San Francisco, California.

/s/ Kevin R. Budner

Kevin R. Budner