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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, et al.,

Plaintiffs,

vs.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 3:25-cv-04737-RL

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PARTIAL STAY
OF SUMMARY JUDGMENT AND CLASS
CERTIFICATION BRIEFING**

Judge: Hon. Rita F. Lin

Pursuant to Civil Local Rule 7-12, Plaintiffs and Defendants (“the Parties”), through their respective undersigned counsel, stipulate and agree as follows.

1. On May 15, 2026, the Court entered a briefing schedule extending the Parties’ deadlines for cross-motions for summary judgment. *See* ECF No. 199. That schedule, as slightly modified by subsequent order (*see* Minute Order (August 5, 2026)), set the following dates and deadlines:

- a. July 15, 2026: Plaintiffs’ motion for summary judgment and class certification;
- b. August 21, 2026: Defendants’ combined opposition and cross-motion;
- c. September 18, 2026: Plaintiffs’ combined opposition and reply;
- d. October 2, 2026: Defendants’ reply; and
- e. October 20, 2026: hearing.

2. On August 18, 2026, Defendants filed a petition for a writ of certiorari to the United States Supreme Court (“Petition”) seeking review of the Ninth Circuit’s opinion affirming the preliminary injunction as to certain grants Plaintiffs allege were terminated in violation of the First Amendment. ECF No. 225. Plaintiffs’ deadline to respond to the Petition is October 19, 2026.

3. On August 21, 2026, Defendants filed their summary judgment opposition and cross-motion in which they stated their “inten[tion] to stay briefing in this case pending resolution of the government’s petition for a writ of certiorari and any further proceedings in the Supreme Court.” ECF No. 226 at 2.

4. Thereafter, the Parties initiated a meet and confer which resulted in the following agreement, subject to the Court’s approval. Pending resolution of the government’s Petition and any further proceedings in the Supreme Court:

- a. The Parties agree to stay the summary judgment and class certification briefing in this Court on all claims *except* Plaintiffs’ claim under the Equal Protection Clause as to certain grants terminated by the Department of Energy. *See* Third Am. Compl., ECF No. 184,

Count III. Briefing as to that claim only (and any arguments relevant to it) will proceed on the current schedule, again subject to the Court's approval.

b. NSF, NEH, NSF, DOD, and DOT agree not to re-terminate the grants reflected in the grant spreadsheets those agencies produced,¹ including those that were covered only by the form termination class and related preliminary injunction (ECF Nos. 54-55), which the Ninth Circuit subsequently reversed (*Thakur v. Trump*, 176 F.4th 1187, 1206 (9th Cir. 2026)). This agreement not to re-terminate grants at issue remains in effect until the Supreme Court either denies Defendants' petition or grants certiorari and issues a decision.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, and subject to the Court's approval, that the schedule shall be modified as reflected above.

Dated: August 31, 2026

By: /s/ Kevin R. Budner

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¹ See Declaration of Kyle McLorg in Support of Plaintiffs' Motion for Summary Judgment and Class Certification, ECF No. 211, Exs. A–E (ECF Nos. 211-1–211-6).

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1 Date: August 31, 2026

By: /s/ Kathryn Barragan

2 Respectfully submitted,

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

September 1, 2026



The Honorable Rita F. Lin
UNITED STATES DISTRICT JUDGE

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(I)(3)

I, Kevin R. Budner, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

DATED: August 31, 2026

/s/ Kevin R. Budner
Kevin R. Budner