

The Honorable Kymberly K. Evanson

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
EDUCATION, et al.,

Defendants.

NO. 2:25-cv-01228-KKE

PLAINTIFFS' SECOND MOTION TO  
ENFORCE SUMMARY JUDGMENT  
ORDERS

NOTE ON MOTION CALENDAR:  
APRIL 7, 2026

ORAL ARGUMENT REQUESTED

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## I. INTRODUCTION

Defendants continue to violate this Court’s summary judgment orders. In their most recent act of noncompliance, Defendants imposed ungrounded and unnecessary “grants management measures” that punish affected grantees,<sup>1</sup> and effectively implement the vacated Discontinuation Decision<sup>2</sup> via other means. Although Defendants purported to extend grantees’ budget period through December 31, 2026, and repeatedly represented they would fund these grants for the full calendar year, Defendants have now imposed a “risk mitigation measure” to fund only half the budget period. In addition, Defendants impose a burdensome reimbursement procedure normally used for grantees who have mismanaged funds, require grantees to prepare a meaningless performance report before data is even available, and assert that the grants at issue “will continue under protest.” Furthermore, Defendants have threatened not to provide the remaining six months of funding and have refused to confirm that funds will even be available.

At bottom, Defendants continue to deny grantees the certainty they should have had by December 31, 2025. Defendants are well aware these measures will force projects to end, achieving precisely the unlawful aim the Court enjoined. Grantees in California have been forced to issue advanced layoff notices; the longer Defendants’ non-compliance continues, the more likely it is that grant-funded employees will find new jobs, decreasing grantees’ capacity to provide vital services. Grantees cannot secure graduate student internships at high-need schools because grantees cannot guarantee interns will receive financial assistance in the fall semester.

Because Defendants have violated this Court’s injunction, the Court should order Defendants to immediately lift the onerous measures imposed on affected grantees’ awards. In the alternative, Plaintiffs request the Court order Defendants to set aside sufficient funds to fully fund grantees through the end of 2026, respond to Plaintiffs’ discovery requests, and make a

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<sup>1</sup> “Affected grantees” and “grantees” refer to the grantees in Plaintiff States whose grants the Department discontinued on April 29, 2025. *See* Dkt. 269 at 8 n.3.

<sup>2</sup> “Discontinuation Decision” refers to the Directive procedure, discontinuation notices, and reconsideration denial letters the Court vacated and enjoined. *See* Dkt. 269 at 34-35.

1 witness available for a deposition so Plaintiffs can gather any additional evidence they need to  
 2 show Defendants' noncompliance with the Court's summary judgment orders.

## 3 II. BACKGROUND

### 4 A. The Court's Permanent Injunction Stands

5 In its summary judgment orders, the Court enjoined Defendants from "[i]mplementing  
 6 or enforcing through any means the Directive procedure, the discontinuation notices, or  
 7 reconsideration denial letters, including recompeting Grant funds, with respect to any  
 8 discontinued Grant within Plaintiff States." Dkt. 269 at 35. The Court also enjoined Defendants  
 9 from "[c]onsidering new priorities or any other information that is not relevant and similar to the  
 10 information listed in 34 C.F.R. § 75.253(b) when determining whether a grant within Plaintiff  
 11 States has met the requirements for a continuation award" and from "[d]enying a continuation  
 12 award based on performance issues, if any, caused by the Department's actions challenged in  
 13 this case and their disruptive effects." *Id.* The Court ordered Defendants to "issue new  
 14 continuation determinations no later than March 2, 2026" and "issue any new continuation  
 15 awards no later than March 5, 2026." Dkt. 363 at 3. "Continuation awards" are awarded for a  
 16 "budget period." 34 C.F.R. § 75.253(a); *see id.* § 75.251; Stuber Decl., Ex. D (standard  
 17 Department form dividing budget into project years). The Department has determined the budget  
 18 period for these grants is a full calendar year. Stuber Decl., Ex. A at 2. Defendants sought  
 19 emergency stays from the Ninth Circuit twice and were denied both times. *See* Dkt. 364 at 6.

### 20 B. Despite Repeated Representations, Defendants Did Not Award Funds Needed to 21 Perform Activities for the Current Budget Period

22 On March 2, 2026, Defendants sent boilerplate Notices of Continuation of Grant Award  
 23 to 118 grantees. *See* Dkt. 365 at 1; Stuber Decl., Ex. A. Defendants informed grantees their  
 24 "federal award[s] will continue *under protest*." Stuber Decl., Ex. A at 2 (emphasis added).  
 25 Further, "[t]o address concerns about the rapid use of federal funds and the difficulty for the  
 26 Department to recover those funds once spent," continued grants "will operate under a

1 reimbursement pay status.” *Id.* Under the special reimbursement procedure, grantees must pay  
 2 expenditures in advance, submit a detailed budget form and supporting documentation for each  
 3 reimbursement request, and receive Department approval before they are paid. *Id.*, Exs. C-D.

4 Although Defendants purported to extend grantees’ budget period “to a full 12-month  
 5 budget period,” they provided only “approximately 6 months of funding.” *Id.*, Ex. A at 2-3.  
 6 Defendants claimed this was a “risk mitigation measure” related to “ongoing concerns regarding  
 7 the financial stability and uncertainty about the continued operation of these grants while  
 8 litigation is pending.” *Id.* at 3. Additionally, due to those concerns, “an updated performance and  
 9 budget report will be required by **June 1, 2026.**” *Id.* (alteration in original). “After reviewing the  
 10 submitted report, the Department *may* award additional funds and/or take further risk mitigation  
 11 actions.” *Id.* (emphasis added). Defendants make clear that they may decline to provide funding  
 12 after June 1, effectively using this measure to shorten the budget period to six months and require  
 13 grantees to receive a second, mid-year continuation decision.

14 A Department program officer confirmed the continuation award did not guarantee that  
 15 Defendants would fund activities in the second half of the budget period:

16 I understand the challenges you face with long-term planning. Unfortunately, I  
 17 am not able to provide any assurances of funding beyond June 1, 2026. Funding  
 18 decisions are made by the Secretary, and in some instances, Congress. As such, I  
 would not be able to speak on such matters.

19 *Id.*, Ex. B at 2. Nor has Defendants’ counsel verified that Defendants have set aside sufficient  
 20 funds to fully fund all affected grantees through the end of 2026. Chung Decl., Ex. B at 3. (“The  
 21 Department is still finalizing its spending plans for fiscal 2026....”).

22 Defendants’ counsel justified the measures, citing concerns about the grants’ viability  
 23 following Defendants’ discontinuances and the hope that Defendants would prevail on appeal:

24 The Department implemented these prudent grants management measures—  
 25 consistent with its grant monitoring authorities—to help ensure the continued  
 26 viability of these grantees after they were notified that most of their funding  
 would not continue in 2025 and given the challenges of recovering grant funds  
 once awarded if the Department ultimately prevails in the litigation.

1 *Id.*

2 The measures are completely contrary to Defendants’ prior position. Defendants  
 3 repeatedly represented to this Court and to Plaintiffs that if the Department decided to continue  
 4 a grantee’s program, the grant would be funded for the full year. Dkt. 360 at 4:2-4 (“[F]or  
 5 grantees that are now decided to be continued, . . . they would receive full funding for the  
 6 calendar year....”); *id.* at 31:6-8 (“[I]f the Department decides to continue a grant agreement, its  
 7 intention is to fund those agreements for the entirety of calendar year 2026.”); *id.* at 39:6-8 (“[I]f  
 8 [grantees] have a favorable continuation, they can start acting on that, and the money will be  
 9 there presumably in the next two to three days is what we’re expecting.”).

10 Defendants also previously rejected the idea of providing grantees “six months of interim  
 11 funding” because “the Department is committed to making [continuation] decisions not later  
 12 than February 6th” and “it’s the Department’s intention to fund those grantees for calendar year  
 13 2026.” *Id.* at 27:16-24. Defendants made clear that any interim or partial funding to grantees in  
 14 this litigation was only intended to mitigate harm while Defendants made new continuation  
 15 decisions after failing to meet the original deadlines. *See, e.g.*, Dkt. 276 at 2-3. In sum,  
 16 Defendants committed to comply with the Court’s orders by stating they would provide  
 17 continued grantees full-year funding.

18 **C. Defendants Continue to Treat Affected Grantees Differently Than Others**

19 Defendants’ measures are only the most recent example of Defendants’ disfavor of  
 20 affected grantees, as compared to Defendants’ favored grantees who were not discontinued.

21 First, when Defendants continued their favored grantees’ projects, Defendants funded  
 22 the entire 2026 budget year. *See, e.g.*, Dkt. 332 ¶ 4. Not only that, but Defendants also  
 23 frontloaded favored grantees’ funding for the 2027 budget year. *See, e.g.*, Dkt. 332 ¶¶ 5-7; Dkt.  
 24 326 ¶¶ 4-5.

25 Second, Defendants have not changed the payment process *en masse* for their favored  
 26 grantees. *See, e.g.*, Sharp Decl. ¶ 6. And, finally, Defendants did not require their favored

1 grantees to submit multiple performance reports less than six months after receiving their  
 2 continuation notices. *Id.* ¶ 8. The Department required affected grantees to submit a report in  
 3 mid-January, just eight days after they received belated interim awards the Department provided  
 4 due to its original noncompliance with the Court’s orders.<sup>3</sup> *See* Dkt. 349-1. Favored grantees did  
 5 not have to submit a January report for continuation funding and have not been told to submit  
 6 performance reports by June 1, 2026, detailing activities performed in 2026. *See, e.g.*, Sharp  
 7 Decl. ¶ 8. Of course, grantees may be required to submit interim reports *in the fall* containing  
 8 data for the first part of the year, but that is expected and part of the Department’s normal process.  
 9 Dkt. 314 ¶¶ 6-7. The June 1 report is an entirely new requirement only imposed on affected  
 10 grantees and appears to be an attempt to force affected grantees to go through a second  
 11 continuation process.

#### 12 **D. Defendants’ Measures Will Effectively End Some Grantees’ Projects**

13 Typically, grantees work with their Department program officer regarding requests,  
 14 concerns, and questions about their project, including budget changes, and program officers  
 15 would be in regular contact with their grantees so they could monitor the grantee’s performance  
 16 and progress. Stuber Decl. ¶ 11; *see also* Sabay Decl. ¶ 8. But here, Defendants have imposed  
 17 purported “risk mitigation measures” instead of engaging in this typical, collaborative process.  
 18 These measures are inconsistent with the Court’s orders and will incapacitate some grantees’  
 19 programs and severely hinder many others. Grantees depend on funding certainty to recruit  
 20

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21 <sup>3</sup> Defendants report they discontinued nine grantees’ projects for allegedly submitting incomplete or  
 22 untimely reports. Dkt. 365 at 6. At least three of these were erroneous. Chung Decl., ¶¶ 5-6. The Department  
 23 subsequently issued continuation notices to two of the grantees but has not yet confirmed it will issue a continuation  
 24 notice to the third. *Id.* ¶ 6. A fourth grantee was discontinued for submitting a report approximately one hour after  
 25 the deadline and has requested reconsideration. *Id.*, Ex. G. Discontinuing a grantee for submitting an incomplete or  
 26 untimely 2025 budget year report violates the Court’s order enjoining Defendants from “[d]enying a continuation  
 award based on performance issues, if any, caused by the Defendant’s actions challenged in this case and their  
 disruptive effects.” Dkt. 269 at 35. The reports’ contents and the deadline the Department set were directly tied to  
 Defendants’ Discontinuation Decision and its disruptive effects, including that, unlike favored grantees, affected  
 grantees had only eight days to submit annual performance reports, without technical assistance and guidance. *See,*  
*e.g.*, Dkt. 314 ¶ 8 (Department provided webinars and gave non-discontinued, first-year grantees one month to  
 submit reports).

1 prospective graduate students into their programs, place graduate student interns in schools, and  
 2 finalize mental health service professional positions for the fall semester. In imposing these  
 3 measures, Defendants understood they would prevent grantees from properly planning and from  
 4 providing students and staff sufficient financial security for the fall semester.<sup>4</sup>

5 Grantees are losing program staff.<sup>5</sup> Grantees in California are legally required to issue  
 6 layoff notices this month because they lack certainty that funding will be available past June 1,  
 7 2026.<sup>6</sup> Because those layoffs will go into effect as early as May 2026, grantees reasonably expect  
 8 their grant-funded staff to seek more stable employment elsewhere, which would force some  
 9 grantees to shutter their programs and other grantees to substantially reduce their services. *See*,  
 10 *e.g.*, Giannini Previde Decl. ¶ 6a; Iversen Decl. ¶ 6b; Johnston Decl. ¶ 6a. Continued grantees in  
 11 California represent one third of all continued grantees in Plaintiff States, thus Defendants’  
 12 measures effectively discontinue or severely hinder one third of all affected grantees’ ability to  
 13 provide mental health services in high-need schools.

14 The continuation decisions also prevent Mental Health Service Professional (MHSP)  
 15 grantees from guaranteeing graduate students’ tuition, successfully recruiting prospective  
 16 graduate students, and securing graduate student internships at local schools for the fall  
 17 semester.<sup>7</sup> This uncertainty has already led students to leave grantees’ programs, shrinking the  
 18 pool of future mental health providers in those grantees’ communities and disrupting care for  
 19 high-need students. *See n.8.*

21 <sup>4</sup> *See, e.g.*, Dkt. 293 ¶ 12; Dkt. 297 ¶ 13; Dkt. 305 ¶ 11; Dkt. 306 ¶ 13; Dkt. 316 ¶ 10; Dkt. 317 ¶ 13; Dkt.  
 22 319 ¶ 12; Dkt. 324 ¶ 9; Dkt. 330 ¶ 10; Dkt. 339 ¶ 11.

23 <sup>5</sup> Both Gragg Decl. 6c; DeOrian Decl. ¶ 6a (school district will lose 9 providers); Chamberlin-Scholle  
 24 Decl. ¶ 6a (will lose 13 providers); Claussen Decl. ¶ 8a; Iversen Decl. ¶ 6a; Schmidt Decl. ¶ 6a; Mocarski Decl. ¶  
 25 6c; Clauson Decl. ¶ 9a; Judson Decl. ¶ 6a; Nadler Decl. ¶ 6; Poindexter Ham Decl. ¶ 6d; Rios Decl. ¶¶ 6a-6c;  
 26 Welter Decl. ¶¶ 6a-6d.

<sup>6</sup> *See, e.g.*, Johnston Decl. ¶ 6a; Brogan-Baranski Decl. ¶ 6¶ 6a; DeOrian Decl. ¶ 6b; Ciriza Decl. ¶ 6b;  
 Iversen Decl., ¶ 6b; Giannini Previde Decl. ¶ 6a; Furedi Decl. ¶ 6b; Johnson-Smith Decl. ¶ 6b.

<sup>7</sup> *See, e.g.*, Beaudoin Decl. ¶ 6; Welter Decl. ¶ 6h.; Khan Decl. ¶¶ 6a, 6d, 6f; Rodriguez Decl. ¶ 6; Tumer  
 Decl. ¶¶ 5a, 6d; Both Gragg Decl. ¶ 6a; Scott Brown Decl. ¶¶ 6a, 6c-6d; Curran Decl. ¶¶ 6a, 6c-6d; Anderson and  
 Hulac (TiSP) Decl. ¶¶ 6a, 6d-6e; Anderson and Hulac (CRiSP) Decl. ¶ 6a; Barton Decl. ¶¶ 8a-8b; Strear Decl. ¶  
 6a; Matuszewicz ¶ 6; Khan Decl. ¶¶ 6a, 6d.

1 The special reimbursement procedure and June 1 reporting requirement also place  
 2 substantial, additional burdens on grantees.<sup>8</sup> Grantees already sent the Department performance  
 3 reports on January 16, 2026, containing data and detailed information about grantees’ programs  
 4 through December 31, 2025. The June 1 performance report will contain less than six months of  
 5 information and will lack key metrics related to students’ attendance, academics, and behavior.  
 6 Nocero Decl. ¶ 8. For many grantees, that data is not available until approximately eight months  
 7 into the budget year. *See id.*

8 Furthermore, although Defendants claim the special reimbursement procedure places  
 9 grantees on a “reimbursement pay status,” Stuber Decl., Ex. A at 2, Defendants appear to be  
 10 imposing a stricter procedure known as “route pay status.” *See Sabay Decl.* ¶ 10. Under normal  
 11 reimbursement, grantees would incur expenses, submit invoices, then draw down the requested  
 12 amount. *Id.* Instead, affected grantees must fund their programs out of pocket, complete a  
 13 detailed budget form, and receive Department approval before they are paid. *Compare* Stuber  
 14 Decl. Exs. C-D, *with* Sabay Decl. ¶ 10. The stricter procedure is typically only used when  
 15 grantees receive program funding for the first time or have a record of financial mismanagement  
 16 or similar issues, *see* Sabay Decl. ¶ 11, and there is no indication the affected grantees meet these  
 17 criteria. Thus, Defendants have baselessly constrained and delayed grantees’ access to funds.

### 18 III. ARGUMENT

#### 19 A. The Court Should Enforce its Orders

20 “[T]here is no question that courts have inherent power to enforce compliance with their  
 21 lawful orders.” *Calif. Dep’t of Soc. Servs. v. Leavitt*, 523 F.3d 1025, 1033 (9th Cir. 2008)  
 22 (quoting *Shillitani v. United States*, 384 U.S. 364 (1966)). This power includes ordering a federal  
 23 agency to remove grant conditions and to cease the use of a “manual review process” for grant  
 24 awards when those actions violate an injunction. *See Illinois v. Fed. Emergency Mgmt. Agency*,

25  
 26 <sup>8</sup> *See, e.g.*, Iversen Decl. ¶ 8; Schmidt Decl. ¶¶ 8-9; Judson Decl. ¶ 8; Furedi Decl. ¶ 8.

1 No. 25-206 WES, 2025 WL 2908807, at \*1 (R.D.I. Oct. 14, 2025) (grant conditions); *New York*  
2 *v. Trump*, No. 25-1236, 2026 WL 734941, at \*18 (1st Cir. Mar. 16, 2026) (review process); *see*  
3 *also City of Chicago v. U.S. Dep’t of Homeland Sec.*, No. 25 C 5463, 2026 WL 353581, at \*6  
4 (N.D. Ill. Feb. 9, 2026) (ordering agency to process reimbursement requests after it was enjoined  
5 from withholding funds). “Should an agency neglect the orders of a federal court, an order  
6 enforcing the original mandate is... ‘particularly appropriate.’” *California v. U.S. Dep’t of Lab.*,  
7 155 F. Supp. 3d 1089, 1096 (E.D. Cal. 2016) (quoting *Int’l Ladies’ Garment Workers’ Union v.*  
8 *Donovan*, 733 F.2d 920 (D.C.Cir.1984)).

9 “A motion to enforce the court’s previous judgment may be granted when the prevailing  
10 party demonstrates its opponent has not complied with the judgment’s terms.” *Id.* Furthermore,  
11 this Court possesses a “great deal of flexibility and discretion in choosing the remedy best suited  
12 to curing the violation” because Defendants “ha[ve] a ‘history of noncompliance with prior  
13 orders.’” *Melendres v. Maricopa Cnty.*, 897 F.3d 1217, 1221 (9th Cir. 2018) (citations omitted);  
14 *compare* Dkt. 273 (ordering Defendants to make new continuations decisions by December 30,  
15 2026, and resultant continuation awards by December 31, 2026), *with* Dkt. 360 at 46:6-47:3  
16 (Court “shar[ing]” Plaintiffs’ “frustrat[ion] with the government’s inability to comply with the  
17 original deadlines set by the Court’s orders.”); *compare* Dkt. 282 (ordering Defendants to  
18 provide continuation awards by January 6, 2026), *with* Dkt. 349 (Defendants issued interim  
19 awards on January 8, 2026).

20 Defendants are implementing their Discontinuation Decision through other means by  
21 setting onerous conditions on grantees in violation of the Court’s injunction. The continuation  
22 notices make clear Defendants are considering information other than performance, fiscal, and  
23 management information, contrary to the Court’s ruling. *See* Dkt. 269 at 23. Furthermore,  
24 Defendants failed to make “continuation awards” as required by the Court. *See supra* Sections  
25 II.A, B. As such, Plaintiffs turn to the Court for enforcement.  
26

1           **1. Defendants are implementing the discontinuances through other means**

2           Defendants are implementing the Discontinuation Decision through other means and  
3 considering information that the Court enjoined Defendants from considering by imposing  
4 “grants management measures” on grantees. *See supra* Sections II.B. and D.

5           First, instead of helping grantees fulfill their programs’ objectives, Defendants’  
6 continuation notices impose rigid obstacles that will effectively discontinue some grant projects  
7 and severely hinder many others. Defendants have baselessly constrained and delayed grantees’  
8 access to funds through the special reimbursement procedure, and the June 1 report requirement,  
9 which sets a deadline before important outcome data is available and serves no purpose other  
10 than to allow Defendants to consider performance issues Defendants themselves *caused*.  
11 Grantees rightly fear precisely this, which is driving away graduate students who need tuition  
12 assistance to remain enrolled in MHSP grantee’s graduate programs, as well as mental health  
13 service professionals worried about the security of their positions. *See supra* Section II.D. In  
14 imposing these measures, Defendants considered information, including the outcome of this  
15 pending litigation, that the Court enjoined Defendants from considering. The Department’s  
16 treatment of these previously discontinued grantees deviates from Department’s standard  
17 practice. Historically, the Department affirmatively engaged grantees to discuss budget changes  
18 and resolve any questions or concerns related to grantees’ programs. *See, e.g.*, Stuber Decl. ¶ 11.  
19 Even as recently as this month, the Department proactively contacted a grantee funded through  
20 a different program to discuss budget updates and ensure the grantee’s success this year, even  
21 though that grantee’s project was *also* discontinued and *also* only continued later due to  
22 litigation. *See* Sabay Decl. ¶ 8. In light of the Department’s clear capacity and willingness to  
23 support grantees and troubleshoot issues in other similar contexts, it is significant that  
24 Defendants are unable to work collaboratively with grantees to resolve concerns about the  
25 workability of the measures. *See* Stuber Decl. ¶ 11; Chung Decl. Ex. B. Without question,  
26

1 Defendants’ actions are directly threatening the existence of grantees’ programs in violation of  
2 the Court’s orders.

3 Second, Defendants should know, based on Plaintiffs’ repeated representations, that  
4 providing only six months funding at this juncture will effectively cause grantee projects to end,  
5 once again serving Defendants’ interests in discontinuing these grants. *See supra* II.D. n.3.  
6 Instead of abiding by the injunction meant to protect Plaintiffs’ interests and enjoin Defendants’  
7 unlawful behavior, Defendants continue to effectuate the “new administration priorities” at the  
8 heart of the enjoined unlawful Discontinuation Decision. The imposition of Defendants’  
9 measures enables them to fully implement their enjoined discontinuances in the extremely  
10 unlikely event they would win their appeal and do so by June 1. Indeed, the timeline built into  
11 the measures is nonsensical—given that the parties won’t complete appellate briefing until June  
12 8, the Ninth Circuit may not even issue a decision until the end of the year. *See* Dkt. 359.  
13 Defendants twice asked for a stay from the Ninth Circuit and did not obtain one. *See* Dkt. 364.  
14 They cannot now ignore this Court’s orders, and the opinions of the Ninth Circuit, to Plaintiff  
15 States’ detriment by effectively discontinuing grants before the Court allows them to. *See*  
16 *Illinois*, 2025 WL 2908807 at \*1 (granting motion to enforce where federal government imposed  
17 enjoined grant conditions that would only be effective if the government prevailed on appeal,  
18 holding “[t]he fig leaf conditional nature of the [government’s] requirement makes little  
19 difference”).

## 20 **2. Defendants failed to make “continuation awards”**

21 As detailed in their Supplemental Status Report, Defendants have continued grants for  
22 120 affected grantees. Dkt. 366. For these grantees, the Court’s order required Defendants to  
23 issue continuation awards. *See supra* Sections II.A, II.B. By regulation, continuation awards  
24 fund the full budget period, not part of it. 34 C.F.R. § 75.253(a). Each budget period is the  
25 amount necessary to complete the activities for that period. *Id.* § 75.253(e)(3). And here, budget  
26

1 periods are twelve months. *See* Stuber Decl., Ex. A at 2; *see also id.* Ex. D at 2 (form grantees  
2 are required to fill out specifying budget periods of one year).

3 But Defendants did not issue continuation awards for the budget period. *Id.*, Ex. A at 3.  
4 Instead, they only issued six-month awards. *Id.* These are not continuation awards—they are  
5 extended interim awards that fall short of the funds necessary for grantees to perform the  
6 objectives set at the start of their grant awards and to meaningfully conduct activities within the  
7 current budget period. As the Department did not make continuation awards consistent with its  
8 regulations and the Court’s order, the Court should enforce this part of its injunction.

9 **B. In the Alternative, the Court Should Order Defendants to Set Aside Funds, Respond**  
10 **to Post-Judgment Discovery, and Provide a Witness for Deposition**

11 If this Court concludes it does not yet have sufficient facts to enforce its injunction, it  
12 should permit Plaintiffs expedited discovery to determine whether Defendants are implementing  
13 the Discontinuation Decision by other means. Additionally, if the partial funding measure is not  
14 lifted, Plaintiffs request the Court order Defendants to set aside funds for the rest of the 2026  
15 budget period to forestall any violation of the injunction against “recompeting Grant funds.” Dkt.  
16 269 at 35.

17 Courts have “inherent power” to order discovery to enforce their judgments and “should  
18 give careful attention to a request for discovery to establish noncompliance with one of its  
19 judgments.” *Leavitt*, 523 F.3d at 1033. “If significant questions regarding noncompliance have  
20 been raised, appropriate discovery should be granted.” *Id.* at 1034. Courts routinely order such  
21 discovery. *See, e.g., Blackberry Ltd. v. Typo Products LLC*, No. 14-cv-00023-WHO, 2014 WL  
22 4136586, at \*2 (N.D. Cal. Aug. 21, 2014); *Al Otro Lado, Inc. v. Mayorkas*, No. 17-cv-2366-  
23 BAS-KSC, 2021 WL 4357492, at \*1-2 (S.D. Cal. Sept. 24, 2021).

24 If this Court is not yet persuaded that Defendants have violated its injunction, then  
25 Plaintiffs should have discovery into Defendants’ conclusory statements so they may present  
26 evidence that the Department has, in fact, violated the Court’s orders. *Cf. Illinois v. Vought*, No.

1 26-CV-1566, Dkt. 50 (N.D. Ill. Feb. 25, 2026) (ordering federal defendants to respond to  
2 discovery designed to uncover evidence of a secret, underlying administrative action motivating  
3 grant terminations). The Plaintiffs' proposed discovery is limited and narrow, seeking  
4 information about the measures Defendants have imposed, the purported risks underlying those  
5 measures, and Defendants' treatment of Plaintiffs' grantees compared to other grantees. *See*  
6 Chung Decl., Exs. H and I. This modest discovery is directly relevant to whether Defendants  
7 have violated this Court's injunction by implementing the Discontinuation Decision by other  
8 means. Because the need is immediate, and discontinued grantees are in jeopardy of being forced  
9 to shut down their projects, *see supra* Section II.D., the Court should order Defendants to respond  
10 fully to Plaintiffs' interrogatories and requests for production no later than ten days after the  
11 Court issues its ruling. *See* Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A). The Court should also order  
12 Defendants to make a Rule 30(b)(6) witness available to address the topics listed in Plaintiffs'  
13 proposed notice of deposition. *See* Chung Decl. Ex. I.

#### 14 IV. CONCLUSION

15 The Court should grant Plaintiffs' motion to enforce the Court's injunction and order  
16 Defendants to lift the measures, including the partial funding measure, and issue awards consistent  
17 with the Court's injunction and the Department's regulations. In the alternative, the Court should  
18 order Defendants to set aside sufficient funds for the remainder of the 2026 budget period, respond  
19 to post-judgment discovery, and provide a witness for deposition.

1 DATED this 17th day of March 2026.

The signing attorneys certify that this memorandum contains 4158 words in compliance with Local Civil Rules.

2  
3  
4 NICHOLAS W. BROWN  
Attorney General of Washington

ROB BONTA  
Attorney General of California

5 /s/ Ellen Range  
6 ELLEN RANGE, WSBA #51334  
7 JENNIFER K. CHUNG, WSBA #51583  
8 LUCY WOLF, WSBA #59028  
9 Assistant Attorneys General  
10 WILLIAM MCGINTY, WSBA #41868  
11 CYNTHIA ALEXANDER, WSBA #46019  
12 Deputy Solicitors General  
13 Complex Litigation Division  
14 Washington State Office of the Attorney  
15 General  
16 800 Fifth Avenue, Suite 2000  
17 Seattle, WA 98104-3188  
18 206-464-7744  
19 Ellen.Range@atg.wa.gov  
20 Jennifer.Chung@atg.wa.gov  
21 Lucy.Wolf@atg.wa.gov  
22 William.McGinty@atg.wa.gov  
23 Cynthia.Alexander@atg.wa.gov

/s/ Crystal Adams  
CRYSTAL ADAMS\*  
Deputy Attorney General  
NELI PALMA\*  
Senior Assistant Attorney General  
KATHLEEN BOERGERS\*  
Supervising Deputy Attorney General  
KATHERINE MILTON\*  
Deputy Attorney General  
1515 Clay St., 20th Floor  
Oakland, CA 94612-0550  
(510) 879-3098  
Crystal.Adams@doj.ca.gov  
Neli.Palma@doj.ca.gov  
Kathleen.Boergers@doj.ca.gov  
Katherine.Milton@doj.ca.gov

*Attorneys for State of California*

*Attorneys for State of Washington*

16 WILLIAM TONG  
17 Attorney General of Connecticut

KATHLEEN JENNINGS  
Attorney General of Delaware

18 /s/ Andrew Ammirati  
19 ANDREW AMMIRATI\*  
20 Assistant Attorney General  
21 165 Capitol Ave  
22 Hartford, CT 06106  
23 860-808-5090  
24 Andrew.Ammirati@ct.gov

/s/ Vanessa L. Kassab  
IAN R. LISTON\*  
Director of Impact Litigation  
JENNIFER-KATE AARONSON\*  
VANESSA L. KASSAB\*  
Deputy Attorneys General  
Delaware Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
302-683-8899  
Vanessa.Kassab@delaware.gov  
Jennifer.Aaronson@delaware.gov  
Ian.Liston@delaware.gov

*Attorney for State of Connecticut*

*Attorneys for State of Delaware*

1 KWAME RAOUL  
Attorney General of Illinois

2 /s/ Emily Hirsch  
3 EMILY HIRSCH\*  
4 Assistant Attorney General  
5 Office of the Illinois Attorney General  
6 115 S. LaSalle St  
7 Chicago, IL 60603  
8 773-835-0148  
9 Emily.Hirsch@ilag.gov

10 *Attorney for State of Illinois*

11 PHILIP J. WEISER  
Attorney General of Colorado

12 /s/ Sarah H. Weiss  
13 SARAH H. WEISS\*  
14 Senior Assistant Attorney General  
15 Colorado Department of Law  
16 Ralph L. Carr Judicial Center  
17 1300 Broadway, 10th Floor  
18 Denver, CO 80203  
19 720-508-6000  
20 Sarah.Weiss@coag.gov

21 *Attorney for State of Colorado*

22 LETITIA JAMES  
Attorney General of New York

23 /s/ Rabia Muqaddam  
24 RABIA MUQADDAM\*  
25 Special Counsel for Federal Initiatives  
26 MARK LADOV\*  
Special Counsel  
28 Liberty Street  
New York, NY 10005  
212-416-8240  
Rabia.Muqaddam@ag.ny.gov  
<mailto:Mark.Ladov@ag.ny.gov>

*Attorneys for State of New York*

ANTHONY G. BROWN  
Attorney General of Maryland

/s/ Michael Drezner  
MICHAEL DREZNER\*  
Senior Assistant Attorney General  
Office of the Attorney General  
200 Saint Paul Place, 20th Floor  
Baltimore, Maryland 21202  
410-576-6959  
Mdrezner@oag.state.md.us

*Attorney for State of Maryland*

AARON M. FREY  
Attorney General of Maine

/s/ Sarah A. Forster  
SARAH A. FORSTER\*  
Assistant Attorney General  
Office of the Attorney General  
6 State House Station  
Augusta, ME 04333-0006  
207-626-8800  
Sarah.Forster@maine.gov

*Attorney for State of Maine*

ANDREA JOY CAMPBELL  
Attorney General of Massachusetts

/s/ Katherine Dirks  
KATHERINE DIRKS\*  
Chief State Trial Counsel  
Yael Shavit\*  
Chief, Consumer Protection Division  
Office of the Massachusetts Attorney General  
1 Ashburton Place Boston, MA 02108  
617-963-2277  
Katherine.Dirks@mass.gov  
Yael.Shavit@mass.gov

*Counsel for Commonwealth of Massachusetts*

1 DANA NESSEL  
Attorney General of Michigan

RAÚL TORREZ  
Attorney General of New Mexico

2 /s/ Neil Giovanatti  
3 NEIL GIOVANATTI\*  
Assistant Attorney General  
4 Michigan Department of Attorney General  
525 W. Ottawa  
5 Lansing, MI 48909  
6 517-335-7603  
GiovanattiN@michigan.gov

/s/ Aletheia V.P. Allen  
ALETHEIA V.P. ALLEN\*  
Solicitor General  
LAWRENCE M. MARCUS\*  
Assistant Solicitor General  
New Mexico Department of Justice  
201 Third St. NW, Suite 300  
Albuquerque, NM 87102  
505-527-2776  
Aallen@nmdoj.gov  
Imarcus@nmdoj.gov

7 *Attorney for People of Michigan*

*Attorneys for State of New Mexico*

10 DAN RAYFIELD  
Attorney General of Oregon

AARON FORD  
Attorney General of Nevada

12 /s/ Coby Howell  
13 COBY HOWELL\*  
Senior Assistant Attorney General  
14 Trial Attorney  
Oregon Department of Justice  
15 100 SW Market St.  
Portland, OR 97201  
16 971-673-1880  
Coby.Howell@doj.oregon.gov

/s/ Heidi Parry Stern  
HEIDI PARRY STERN\*  
Solicitor General  
Office of the Nevada Attorney General  
1 State of Nevada Way, Suite 100  
Las Vegas, NV 89119  
702-486-3420  
HStern@ag.nv.gov

17 *Attorney for State of Oregon*

*Attorney for State of Nevada*

18 JOSHUA L. KAUL  
Attorney General of Wisconsin

PETER F. NERONHA  
Attorney General of Rhode Island

20 /s/ Frances Reynolds Colbert  
21 FRANCES REYNOLDS COLBERT\*  
Assistant Attorney General  
22 Wisconsin Department of Justice  
Post Office Box 7857  
23 Madison, Wisconsin 53707-7857  
608-266-9226  
24 Frances.Colbert@wisdoj.gov

/s/ Kyla Duffy  
KYL A DUFFY\*  
Special Assistant Attorney General  
150 South Main Street  
Providence, RI 02903  
401-274-4400, Ext. 2809  
Kduffy@riag.ri.gov

25 *Attorney for State of Wisconsin*

*Attorney for State of Rhode Island*

26 \*Admitted pro hac vice

The Honorable Kymberly K. Evanson

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
EDUCATION, et al.,

Defendants.

NO. 2:25-cv-01228-KKE

ORDER GRANTING PLAINTIFFS’  
SECOND MOTION TO ENFORCE  
SUMMARY JUDGMENT ORDERS  
[PROPOSED]

NOTE ON MOTION CALENDAR:  
APRIL 7, 2026

ORAL ARGUMENT REQUESTED

THIS MATTER came before the Court on Plaintiffs’ Second Motion to Enforce Summary Judgment Orders filed by the States of Washington, California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, New Mexico, New York, Nevada, Oregon, Rhode Island, and Wisconsin (collectively Plaintiffs). Having considered Plaintiffs’ Motion, Defendants’ response, Plaintiffs’ reply, and the arguments of the parties, if any, the Court hereby ORDERS that:

1. Plaintiffs’ Second Motion to Enforce Summary Judgment Orders is GRANTED.

2. “Affected Grantees” are grantees in Plaintiff States whose MHSP or SBMH grant was discontinued pursuant to the Department’s Directive procedure, discontinuation notices, and letters denying reconsideration, as described in the Court’s Order on Summary Judgment. Dkt. 269.

1           3.       “Discontinuation Decision” refers to the Department’s Directive procedure,  
2 discontinuation notices, and letters denying reconsideration, as described in the Court’s Order  
3 on Summary Judgment. Dkt. 269.

4           4.       Defendants placed grants management measures on Affected Grantees in its  
5 March 2, 2026, Notice of Continuation, to wit: (a) the continuation of grants “under protest”; (b)  
6 the special reimbursement procedure; (c) the requirement to submit an updated performance and  
7 budget report by June 1, 2026; and (d) the award of only six months of funding instead of the  
8 full twelve-month budget period (“partial funding measure”). These grants management  
9 measures are inconsistent with and violate this Court’s injunction, which explicitly prohibits  
10 Defendants from implementing or enforcing *through any means*, the Directive procedure, the  
11 discontinuation notices, or reconsideration denial letters...” and from “[c]onsidering new  
12 priorities or any other information that is not relevant and similar to the information listed in 34  
13 C.F.R. § 75.253(b) when determining whether a grant within Plaintiff States has met the  
14 requirements for a continuation award.” Dkt. 269 at 35 (emphasis added).

15           5.       Within five days of this Order, Defendants shall lift the grants management  
16 measures and issue continuation awards to Affected Grantees that do not impose the grants  
17 management measures or similar measures that have the effect of implementing or enforcing the  
18 Discontinuation Decision through any means for the full January 1 through December 31, 2026,  
19 budget period.

20           6.       Within seven days of this Order, Defendants shall file a status report documenting  
21 the actions they have taken to comply with this Order and listing all continuation awards with  
22 their original amount and updated amount. The report should include the grant number, grantee,  
23 and state.

24           7.       Nothing in this Order precludes Defendants from requiring Affected Grantees to  
25 submit an interim performance report with the same requirements and on the same timeline as  
26 grantees who were not discontinued, or from applying grants management measures consistent

1 with Defendants’ statutory and regulatory authority to individual grantees who have been  
2 identified as high-risk for reasons unrelated to the Discontinuation Decision or this ongoing  
3 litigation.

4 DATED this this \_\_\_\_\_ day of \_\_\_\_\_ 2026.

6 THE HONORABLE KYMBERLY K. EVANSON  
7 United States District Court Judge

9 Presented by:

10 ROB BONTA  
11 Attorney General of California

NICHOLAS W. BROWN  
Attorney General of Washington

12 /s/ Crystal Adams  
13 CRYSTAL ADAMS\*  
14 Deputy Attorney General  
15 NELI PALMA\*  
16 Senior Assistant Attorney General  
17 KATHLEEN BOERGERS\*  
18 Supervising Deputy Attorney General  
19 KATHERINE MILTON\*  
20 Deputy Attorney General  
21 1515 Clay Street  
22 Oakland, CA 94612  
23 (510) 879-3098  
24 Crystal.Adams@doj.ca.gov  
25 Neli.Palma@doj.ca.gov  
26 Kathleen.Boergers@doj.ca.gov  
Katherine.Milton@doj.ca.gov

/s/ Ellen Range  
ELLEN RANGE, WSBA #51334  
JENNIFER K. CHUNG, WSBA #51583  
LUCY WOLF, WSBA #59028  
Assistant Attorneys General  
WILLIAM MCGINTY, WSBA #41868  
CYNTHIA ALEXANDER, WSBA #46019  
Deputy Solicitors General  
Complex Litigation Division  
Washington State Office of the Attorney  
General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
206-464-7744  
Ellen.Range@atg.wa.gov  
Jennifer.Chung@atg.wa.gov  
Lucy.Wolf@atg.wa.gov  
William.McGinty@atg.wa.gov  
Cynthia.Alexander@atg.wa.gov

*Attorneys for State of California*

*Attorneys for State of Washington*

1 WILLIAM TONG  
Attorney General of Connecticut

2 /s/ Andrew Ammirati  
3 ANDREW AMMIRATI\*  
Assistant Attorney General  
4 165 Capitol Ave  
Hartford, CT 06106  
5 860-808-5090  
Andrew.Ammirati@ct.gov  
6 *Attorney for State of Connecticut*

11 KWAME RAOUL  
Attorney General of Illinois

12 /s/ Emily Hirsch  
13 EMILY HIRSCH\*  
Assistant Attorney General  
14 Office of the Illinois Attorney General  
115 S. LaSalle St  
15 Chicago, IL 60603  
773-835-0148  
16 Emily.Hirsch@ilag.gov  
17 *Attorney for State of Illinois*

19 PHILIP J. WEISER  
Attorney General of Colorado

20 /s/ Sarah H. Weiss  
21 SARAH H. WEISS\*  
Senior Assistant Attorney General  
22 Colorado Department of Law  
Ralph L. Carr Judicial Center  
23 1300 Broadway, 10th Floor  
Denver, CO 80203  
24 720-508-6000  
Sarah.Weiss@coag.gov  
25 *Attorney for State of Colorado*

KATHLEEN JENNINGS  
Attorney General of Delaware

2 /s/ Vanessa L. Kassab  
3 IAN R. LISTON\*  
Director of Impact Litigation  
4 JENNIFER-KATE AARONSON\*  
VANESSA L. KASSAB\*  
Deputy Attorneys General  
5 Delaware Department of Justice  
820 N. French Street  
6 Wilmington, DE 19801  
302-683-8899  
7 Vanessa.Kassab@delaware.gov  
8 Jennifer.Aaronson@delaware.gov  
9 Ian.Liston@delaware.gov  
10 *Attorneys for State of Delaware*

11 ANTHONY G. BROWN  
Attorney General of Maryland

12 /s/ Michael Drezner  
13 MICHAEL DREZNER\*  
Senior Assistant Attorney General  
14 Office of the Attorney General  
200 Saint Paul Place, 20th Floor  
15 Baltimore, Maryland 21202  
410-576-6959  
16 Mdrezner@oag.state.md.us  
17 *Attorney for State of Maryland*

19 AARON M. FREY  
Attorney General of Maine

20 /s/ Sarah A. Forster  
21 SARAH A. FORSTER\*  
Assistant Attorney General  
22 Office of the Attorney General  
6 State House Station  
23 Augusta, ME 04333-0006  
207-626-8800  
24 Sarah.Forster@maine.gov  
25 *Attorney for State of Maine*

1 LETITIA JAMES  
Attorney General of New York

2 /s/ Rabia Muqaddam  
3 RABIA MUQADDAM\*  
Special Counsel for Federal Initiatives  
4 MARK LADOV\*  
Special Counsel  
5 28 Liberty Street  
New York, NY 10005  
6 212-416-8240  
Rabia.Muqaddam@ag.ny.gov  
7 Mark.Ladov@ag.ny.gov

8 *Attorneys for State of New York*

ANDREA JOY CAMPBELL  
Attorney General of Massachusetts

/s/ Katherine Dirks  
KATHERINE DIRKS\*  
Chief State Trial Counsel  
Yael Shavit\*  
Chief, Consumer Protection Division  
Office of the Massachusetts Attorney General  
1 Ashburton Place Boston, MA 02108  
617-963-2277  
Katherine.Dirks@mass.gov  
Yael.Shavit@mass.gov

*Counsel for Commonwealth of Massachusetts*

10 DANA NESSEL  
Attorney General of Michigan

11 /s/ Neil Giovanatti  
12 NEIL GIOVANATTI\*  
Assistant Attorney General  
13 Michigan Department of Attorney General  
525 W. Ottawa  
14 Lansing, MI 48909  
517-335-7603  
15 GiovanattiN@michigan.gov

16 *Attorney for People of Michigan*

RAÚL TORREZ  
Attorney General of New Mexico

/s/ Aletheia V.P. Allen  
ALETHEIA V.P. ALLEN\*  
Solicitor General  
LAWRENCE M. MARCUS\*  
Assistant Solicitor General  
New Mexico Department of Justice  
201 Third St. NW, Suite 300  
Albuquerque, NM 87102  
505-527-2776  
Aallen@nmdoj.gov  
Imarcus@nmdoj.gov

*Attorneys for State of New Mexico*

19 DAN RAYFIELD  
Attorney General of Oregon

20 /s/ Coby Howell  
21 COBY HOWELL\*  
Senior Assistant Attorney General  
22 Trial Attorney  
Oregon Department of Justice  
23 100 SW Market St.  
Portland, OR 97201  
24 971-673-1880  
Coby.Howell@doj.oregon.gov

25 *Attorney for State of Oregon*

AARON FORD  
Attorney General of Nevada

/s/ Heidi Parry Stern  
HEIDI PARRY STERN\*  
Solicitor General  
Office of the Nevada Attorney General  
1 State of Nevada Way, Suite 100  
Las Vegas, NV 89119  
702-486-3420  
HStern@ag.nv.gov

*Attorney for State of Nevada*

1 JOSHUA L. KAUL  
Attorney General of Wisconsin

PETER F. NERONHA  
Attorney General of Rhode Island

2 /s/ Frances Reynolds Colbert  
3 FRANCES REYNOLDS COLBERT\*  
Assistant Attorney General  
4 Wisconsin Department of Justice  
Post Office Box 7857  
5 Madison, Wisconsin 53707-7857  
608-266-9226  
6 Frances.Colbert@wisdoj.gov

/s/ Kyla Duffy  
KYLA DUFFY\*  
Special Assistant Attorney General  
150 South Main Street  
Providence, RI 02903  
401-274-4400, Ext. 2809  
Kduffy@riag.ri.gov

7 *Attorney for State of Wisconsin*

*Attorney for State of Rhode Island*

8 *\*Admitted pro hac vice*

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
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