

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTIN LUTHER KING, JR.
COUNTY, et al.,

Plaintiffs,

vs.

SCOTT TURNER in his official capacity
as Secretary of the U.S. Department of
Housing and Urban Development, et al.,

Defendants.

No. 2:25-cv-00814-BJR

PLAINTIFFS' FOURTH MOTION
FOR PRELIMINARY INJUNCTION

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I. INTRODUCTION

The Trump administration continues to dictate local policy by imposing unlawful grant conditions on ever more local governments. Plaintiffs have accordingly moved to amend the Second Amended Complaint for Declaratory and Injunctive Relief, Dkt. #184 (“SAC”), in which 60 cities, counties, and other local governments challenged unlawful grant conditions attached to federal grant programs administered by HUD, DOT and its operating administrations, and HHS. *See* Dkt. #345. The proposed Third Amended Complaint (“TAC”) adds 15 new counties, cities, and other local governments as plaintiffs (collectively, “Additional Plaintiffs”¹) challenging materially similar grant conditions imposed by those federal agencies. *Id.*

Additional Plaintiffs seek—on largely indistinguishable facts and law—the same preliminary relief provided to the other Plaintiffs in this case regarding the CoC HUD, Non-CoC HUD, DOT, and HHS Grant Conditions. This Court has already ruled the current Plaintiffs are likely to succeed on the merits of their challenge to those conditions, and the harms suffered by Additional Plaintiffs mirror the harms this Court has already found sufficient to warrant preliminary relief. Accordingly, the Court’s August 12 orders enjoining the conditions should be extended to Additional Plaintiffs as well. Plaintiffs have asked that HUD, HHS, and DOT stipulate to such relief, in an effort to avoid further motions practice, but to date they have not done so. And every day that passes without relief creates more and more uncertainty for Additional Plaintiffs as they grapple with these conditions while drawing down on existing grants, deciding whether to

¹ Additional Plaintiffs are City of Albany (“Albany”), Allegheny County, City of Berkeley (“Berkeley”), City of Bothell (“Bothell”), City of Cincinnati (“Cincinnati”), Delaware County, Los Angeles Homeless Services Authority (“LAHSA”), City of New Haven (“New Haven”), City of Olympia (“Olympia”), City of Palo Alto (“Palo Alto”), City of Port Angeles (“Port Angeles”), City of Santa Fe (“Santa Fe”), City of Spokane (“Spokane”), City of Tacoma (“Tacoma”), and Thurston County.

1 accept pending grants, and expecting to face these conditions in future grant applications and
2 awards.

3 Further, three existing Plaintiffs that did not previously move for injunctive relief as to
4 either the Non-CoC HUD or HHS Grant Conditions now seek such relief after receipt of grants
5 containing these Conditions.² The Court's order enjoining the Non-CoC HUD or HHS Grant
6 Conditions should be extended to those Plaintiffs.

8 II. STATEMENT OF FACTS³

9 As detailed in Plaintiffs' prior temporary restraining order ("TRO") and preliminary
10 injunction ("PI") motions, this action challenges unlawful grant conditions that federal agencies
11 have been attaching to grants they administer pursuant to congressionally authorized grant
12 programs. These conditions seek to force Plaintiffs to implement the Trump administration's
13 policy objectives, including ending diversity, equity, and inclusion ("DEI") programs,
14 aggressively enforcing immigration law, and adhering to other executive orders unrelated to the
15 grant programs' purposes. *See* Dkt. #5 at 5–13; Dkt. #72 at 5–7; Dkt. #186 at 3–10.

17 Eight cities and counties filed the original complaint in this case on May 2, 2025, seeking
18 declaratory and injunctive relief based on the imposition of unlawful conditions on HUD CoC and
19 FTA grant funding by Defendants HUD and its Secretary Scott Turner, DOT and its Secretary
20 Sean Duffy, and FTA and its Administrator Matthew Welbes. Dkt. #1. The Court issued a TRO,
21

23 ² The existing Plaintiff seeking injunctive relief from Non-CoC HUD Grant Conditions is City and
24 County of Denver ("Denver"), and the existing Plaintiffs seeking injunctive relief from HHS Grant
25 Conditions are the Metropolitan Government of Nashville and Davidson County ("Nashville") and
City of Tucson ("Tucson").

26 ³ This Motion incorporates the defined terms in Plaintiffs' Motion for TRO, Dkt. #5, Second
27 Motion for TRO and PI, Dkt. #72, and Third Motion for PI, Dkt. #186. The challenged grant
conditions are set forth in Appendix II to this Court's Order Granting Plaintiffs' Third Motion for
Preliminary Injunction, Dkt. #338.

1 ruling that the moving Plaintiffs were likely to succeed on the merits of their claims and that they
2 faced imminent and irreparable harm absent TRO relief. Dkt. #52 at 3.

3 Shortly thereafter, 23 additional cities, counties, and local housing and transportation
4 agencies joined the original Plaintiffs in filing the First Amended Complaint (“FAC”). In addition
5 to joining new plaintiffs, the FAC challenged materially similar unlawful conditions that had been
6 attached to additional grants administered by DOT and its operating administrations, including
7 newly added Defendants FHWA, FAA, and FRA. Dkt. #71. At the same time, Plaintiffs filed a
8 combined motion for a TRO and PI. Dkt. #72. After granting the second TRO and extending the
9 first TRO by a week, this Court on June 3, 2025 granted a PI in favor of all 31 Plaintiffs enjoining
10 imposition or enforcement of the new grant conditions on HUD CoC grants and any DOT grants.
11 Dkt. #169.
12

13 HUD and the DOT Defendants appealed the June 3, 2025 PI to the Ninth Circuit on June
14 9, 2025. Dkt. #173. On July 10, Plaintiffs moved unopposed to file the SAC adding 29 additional
15 counties, cities, and other local governments as plaintiffs to this lawsuit, adding HHS and its
16 Secretary Robert F. Kennedy as new Defendants, and challenging materially similar grant
17 conditions attached to HUD’s other (non-CoC) grant programs and to grants administered by HHS.
18 Dkt. #181. The Court granted that motion. Dkt. ##183, 184. On July 14, Plaintiffs filed another
19 motion for PI, seeking to extend the relief previously granted to the new jurisdictions, bar HHS
20 from applying unlawful conditions at any stage of the grant-making process, and bar HUD from
21 doing the same as to all grant programs. The Court granted a PI on August 12, 2025, enjoining all
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1 Defendants from, among other things, imposing or enforcing the challenged conditions at “any
2 stage of the grant-making process” Dkt. #338 at 36–41.⁴

3 Defendants appealed the August 12, 2025 PI to the Ninth Circuit on October 10, 2025. Dkt.
4 #342. Meanwhile, HUD, DOT, and HHS have imposed enjoined grant conditions on Additional
5 Plaintiffs, often on short deadlines that force them either to accept the conditions or forfeit
6 previously awarded grant funding. *See, e.g.*, Dkt. #367 (Halversen Decl. ¶¶ 5, 7 (Tucson)); Dkt.
7 #365 (Matheson Decl. ¶¶ 8–10 (Tacoma)); Dkt. #351 (Wong Decl. ¶¶ 7–9 (Bothell)).

8
9 Like the existing Plaintiffs, Additional Plaintiffs face irreparable harm during the pendency
10 of this litigation from imposition of these conditions, including to their operations and the
11 vulnerable communities they serve. Additional Plaintiffs with HUD grants⁵ use HUD funds to
12 provide housing, supportive services, and other critical homelessness assistance, Dkt. #348
13 (Grande Decl. ¶¶ 6, 11, 13 (Albany)); Dkt. #349 (Fournier Decl. ¶ 7 (Allegheny County)); Dkt.
14 #352 (Sutter Decl. ¶ 10 (Cincinnati)); Dkt. #358 (Elicker Decl. ¶ 6 (New Haven)); home
15 modifications for seniors and people with disabilities, Dkt. #352 (Sutter Decl. ¶ 10 (Cincinnati));
16 Dkt. #358 (Elicker Decl. ¶ 6 (New Haven)); Dkt. #359 (Everett Decl. ¶ 5 (Olympia)); veterans’
17 housing rehabilitation, Dkt. #352 (Sutter Decl. ¶ 10 (Cincinnati)); Dkt. #366 (Hernandez Decl. ¶ 6
18
19

20 ⁴ This Court determined it had jurisdiction to allow amendment of the pleadings and grant another
21 PI pending Defendants’ appeal of the first PI because (1) a significant portion of the SAC simply
22 added new plaintiffs challenging the previously enjoined conditions on HUD CoC and DOT grants
23 and (2) while the SAC also challenged conditions imposed on non-CoC HUD grants and HHS
24 grants, the challenged conditions were either identical or substantially similar to the previously
25 enjoined conditions and implicated identical legal issues. Dkt. #338 at 5 n.3. The Court
nevertheless explained that “if it is determined that this Court lacked jurisdiction because an appeal
is pending, then this Court issues this order as an indicative ruling pursuant to Fed. Rule of Civ. P.
62.1(3).” *Id.*

26 ⁵ Additional Plaintiffs with CoC HUD grants include Allegheny County, Berkeley, Cincinnati,
27 Delaware County, LAHSA, and Spokane. Additional Plaintiffs with Non-CoC HUD grants include
Albany, Allegheny County, Berkeley, Cincinnati, Delaware County, LAHSA, New Haven,
Olympia, Palo Alto, Port Angeles, Santa Fe, Spokane, Tacoma, and Thurston County.

(Thurston County)); food security, Dkt. #353 (O'Malley Decl. ¶ 6 (Delaware County)); Dkt. #355 (Reed Decl. ¶ 7 (LAHSA)); Dkt. #362 (Oster Decl. ¶ 6 (Santa Fe)); senior home rehabilitation, Dkt. #363 (Kinder Decl. ¶ 6 (Spokane)); lead paint remediation, Dkt. #352 (Sutter Decl. ¶ 10 (Cincinnati)); Dkt. #358 (Elicker Decl. ¶ 6 (New Haven)); housing repairs, Dkt. #366 (Hernandez Decl. ¶ 6 (Thurston County)); crime reduction, Dkt. #352 (Sutter Decl. ¶ 10 (Cincinnati)); Dkt. #353 (O'Malley Decl. ¶ 6 (Delaware County)); Dkt. #363 (Kinder Decl. ¶ 6 (Spokane)); and small business assistance, Dkt. #352 (Sutter Decl. ¶ 10 (Cincinnati)); Dkt. #359 (Everett Decl. ¶ 5 (Olympia)); Dkt. #364 (Kim Decl. ¶ 6 (Tacoma)). The funds ensure families can stay in safe housing that meets their needs, Dkt. #349 (Fournier Decl. ¶¶ 7, 14 (Allegheny County)); Dkt. #359 (Everett Decl. ¶¶ 5, 10 (Olympia)); Dkt. #364 (Kim Decl. ¶¶ 6, 12 (Tacoma)). Without HUD funds, residents will lose access to housing, meals, and other lifesaving services. *See, e.g.*, Dkt. #355 (Reed Decl. ¶ 13 (LAHSA)); Dkt. #358 (Elicker Decl. ¶ 12 (New Haven)); Dkt. #363 (Kinder Decl. ¶ 12 (Spokane)). Additional Plaintiffs will be forced to grapple with this uncertainty by, for example, pausing service delivery, Dkt. #360 (Shikada Decl. ¶ 14 (Palo Alto)); Dkt. #362 (Oster Decl. ¶ 12 (Santa Fe)); which increases project costs, Dkt. #349 (Fournier Decl. ¶ 15 (Allegheny County)); Dkt. #362 (Oster Decl. ¶ 12 (Santa Fe)).

Additional Plaintiffs with HHS grants⁶ use HHS funds for, among other things, HIV prevention, Dkt. #353 (O'Malley Decl. ¶ 6 (Delaware County)); Dkt. #358 (Elicker Decl. ¶ 6 (New Haven)); meals and assistance for seniors, Dkt. #350 (Buddenhagen Decl. ¶ 7 (Berkeley)); Dkt. #353 (O'Malley Decl. ¶ 6 (Delaware County)); Dkt. #362 (Oster Decl. ¶ 6 (Santa Fe)); substance use disorder treatment, Dkt. #349 (Fournier Decl. ¶ 7 (Allegheny County)); Dkt. #353 (O'Malley

⁶ These include Allegheny County, Berkeley, Cincinnati, Delaware County, New Haven, Santa Fe, and Thurston County, as well as existing Plaintiffs Nashville and Tucson.

Decl. ¶ 6 (Delaware County)); foster care and adoption assistance, Dkt. #353 (O'Malley Decl. ¶ 6 (Delaware County)); and home health visits to families with young children, Dkt. #353 (O'Malley Decl. ¶ 6 (Delaware County)). Loss of HHS funds will mean many of these programs will be curtailed or terminated, and residents will lose access to food, medical care, childcare, housing, and other critical services. *See, e.g.*, Dkt. #366 (Hernandez Decl. ¶ 12 (Thurston County)); Dkt. #353 (O'Malley Decl. ¶ 13 (Delaware County)); Dkt. #349 (Fournier Decl. ¶ 15 (Allegheny County)). Loss of funds will have serious public health consequences, such as diminished pandemic preparedness and communicable disease control, Dkt. #349 (Fournier Decl. ¶¶ 7, 15 (Allegheny County)); Dkt. #352 (Sutter Decl. ¶¶ 12, 21 (Cincinnati)); Dkt. #353 (O'Malley Decl. ¶¶ 5–6, 13 (Delaware County)); and reduced STI tracking, Dkt. #352 (Sutter Decl. ¶¶ 12, 21 (Cincinnati)).

Additional Plaintiffs with DOT grants⁷ use DOT funds for, *inter alia*, pedestrian safety, Dkt. #350 (Buddenhagen Decl. ¶ 6 (Berkeley)); Dkt. #351 (Wong Decl. ¶ 6 (Bothell)); Dkt. #353 (O'Malley Decl. ¶ 6 (Delaware County)); Dkt. #358 (Elicker Decl. ¶ 6 (New Haven)); bridge improvements, Dkt. #351 (Wong Decl. ¶ 6 (Bothell)); Dkt. #352 (Sutter Decl. ¶ 11 (Cincinnati)); Dkt. #358 (Elicker Decl. ¶ 6 (New Haven)); Dkt. #366 (Hernandez Decl. ¶ 6 (Thurston County)); airfield maintenance and improvements, Dkt. #352 (Sutter Decl. ¶ 11 (Cincinnati)); Dkt. #362 (Oster Decl. ¶ 6 (Santa Fe)); equipment modernization, such as repowering locomotives, Dkt. #365 (Matheson Decl. ¶ 6 (Tacoma)); zero-emission vehicles, Dkt. #360 (Shikada Decl. ¶ 8 (Palo Alto)); and signal system enhancements, Dkt. #351 (Wong Decl. ¶ 6 (Bothell)). Losing DOT funding will result in service reductions, delay or cancelation of planned improvement projects, and disruption

⁷ These include Albany, Allegheny County, Berkeley, Bothell, Cincinnati, Delaware County, New Haven, Palo Alto, Port Angeles, Santa Fe, Tacoma, and Thurston County.

1 of operational and fiscal planning. Dkt. #349 (Fournier Decl. ¶¶ 13, 15 (Allegheny County)); Dkt.
 2 #351 (Wong Decl. ¶ 11 (Bothell)); Dkt. #352 (Sutter Decl. ¶¶ 18, 20–21 (Cincinnati)); Dkt. #353
 3 (O'Malley Decl. ¶ 13 (Delaware County)); Dkt. #358 (Elicker Decl. ¶ 12 (New Haven)); Dkt. #360
 4 (Shikada Decl. ¶ 14 (Palo Alto)); Dkt. #361 (Curtin Decl. ¶ 12 (Port Angeles)); Dkt. #365
 5 (Matheson Decl. ¶ 12 (Tacoma)).

6
 7 In some instances Additional Plaintiffs have had to accept grant agreements with the
 8 challenged conditions to avoid losing critical funding, but will need to draw down on these funds
 9 on an ongoing basis, or face re-certifications on existing grants. *See, e.g.*, Dkt. #349 (Fournier
 10 Decl. ¶¶ 10–13 & Exs. 1–2 (Allegheny County)); Dkt. #350 (Buddenhagen Decl. ¶ 9 (Berkeley));
 11 Dkt. #353 (O'Malley Decl. ¶ 11 (Delaware County)). Additional Plaintiffs also have pending grant
 12 agreements where they must decide whether or not to accept the conditions, *e.g.*, Dkt. #351 (Wong
 13 Decl. ¶ 9 (Bothell)); Dkt. #359 (Everett Decl. ¶ 8 (Olympia)), and anticipate facing these conditions
 14 in future grant applications and agreements from these agencies, *e.g.*, Dkt. #348 (Grande Decl. ¶¶
 15 9–10 (Albany)); Dkt. #355 (Reed Decl. ¶ 11 (LAHSA)).

16
 17 In August 2025, in an effort to avoid further contested proceedings before the Court,
 18 Plaintiffs' counsel asked Defendants' counsel if HUD, DOT, and HHS would stipulate to add
 19 certain new plaintiffs to the lawsuit and extend the PI relief already granted in this case to them.
 20 Dkt. #347 (Lisagor Decl., Ex. A). HHS declined to consider that request. *Id.*, Ex. A at 5. HUD and
 21 DOT agreed to review and consider a draft stipulation, which Plaintiffs' counsel circulated on
 22 September 23, 2025. *Id.*, Ex. A at 4–5. HUD initially agreed to enter a stipulation allowing
 23 amendment of the SAC to include the Additional Plaintiffs and to extend preliminary relief to them
 24 as to the CoC HUD and Non-CoC HUD Grant Conditions, but has recently indicated the
 25 government shutdown precludes it from doing so. *Id.* ¶ 3 & Ex. A at 2–3. DOT declined to enter
 26
 27

the stipulation. *Id.*, Ex. A at 2.

Additionally, although existing Plaintiffs Nashville and Tucson did not initially join Plaintiffs' PI motion as to the HHS Grant Conditions, and existing Plaintiff Denver did not initially join Plaintiff's PI motion as to Non-CoC HUD Grant Conditions, those Plaintiffs now need additional relief as to those agencies. Dkt. #184 ¶¶ 51, 55, 110. HHS has sought to apply those conditions to Nashville and Tucson's already-awarded grants, and both cities will likely face these same conditions for future HHS draw downs and in any future HHS grants they are awarded. Dkt. #357 (Dairo Decl. ¶¶ 9–17 (Nashville)); Dkt. #356 (Areola Decl. ¶¶ 8–10, 12–14 (Nashville)); Dkt. #367 (Halversen Decl. ¶¶ 5, 7 (Tucson)). Thus, Nashville and Tucson now seek the same preliminary injunctive relief the Court granted as to the other Plaintiffs challenging the HHS Grant Conditions. *See* Dkt. #356 (Areola Decl. ¶¶ 6–7, 11, 15 (Nashville)); Dkt. #357 (Dairo Decl. ¶¶ 6–7, 12, 15, 18 (Nashville)); Dkt. #367 (Halversen Decl. ¶¶ 6, 8 (Tucson)). Similarly, Denver must accept the HUD Grant Conditions as soon as possible in order to accept its HUD block grant awards, and now seeks the same preliminary injunctive relief the Court granted to other Plaintiffs challenging the Non-CoC HUD Grant Conditions. Dkt. #354 (Doheny Decl. ¶¶ 6–15 (Denver)).

III. ARGUMENT

A. Legal Standards

A PI is warranted if the moving party establishes (1) likely success on the merits; (2) likely irreparable harm absent preliminary relief; (3) the balance of equities tips in their favor; and (4) an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

B. PI Relief Should Extend to Additional Plaintiffs, and Additional PI Relief Should Extend to Nashville, Tucson, and Denver

Additional Plaintiffs seek the same permanent relief sought in the SAC and preliminary relief provided by the Court in its August 12, 2025 PI order as to HUD, DOT and its operating

1 administrations, and HHS. Plaintiffs asked the federal agencies to stipulate to such relief, but the
 2 agencies have either declined outright or indicated inability to stipulate while the U.S. government
 3 remains in shutdown. Similarly, Nashville and Tucson now seek the same relief as to HHS, and
 4 Denver seeks the same relief as to HUD beyond the CoC program. Because preliminary relief is
 5 appropriate here, the Court should extend the PI accordingly.
 6

7 **1. Additional Plaintiffs Are Likely to Succeed on the Merits**

8 The Court's June 3, 2025 PI order found Plaintiffs likely to succeed on their APA claims
 9 that the CoC HUD and DOT Grant Conditions violate separation of powers, are not authorized by
 10 statute, and are arbitrary and capricious. Dkt. #169. The Court's August 12, 2025 PI order found
 11 Plaintiffs likely to succeed in showing the Non-CoC HUD and HHS Grant Conditions are unlawful
 12 on the same grounds. Dkt. # 338. For the same reasons as well as those set forth in the prior TRO
 13 and PI briefing, Additional Plaintiffs, as well as Nashville, Tucson, and Denver, are equally likely
 14 to succeed on all of their claims. Dkt. ##5, 44, 58, 72, 158, 169, 186, 335, 338. These Plaintiffs
 15 thus meet the first prong of the *Winter* test.
 16

17 **2. Additional Plaintiffs Will Suffer Immediate and Irreparable Harm**

18 Without preliminary relief, Additional Plaintiffs face irreparable harm. As the Court
 19 already found, "being forced to accept conditions that are contrary either to statute or to the
 20 Constitution (or both) is a constitutional injury, and constitutional injuries are unquestionably
 21 irreparable." Dkt. #169 at 39–40 (cleaned up); *see also* Dkt. #338 at 33. Each Plaintiff has or will
 22 be forced to choose between accepting these conditions—and thus facing this constitutional
 23 injury—or losing access to critical funding. Such funding loss would destabilize immediate and
 24 future budgets, Dkt. #348 (Grande Decl. ¶¶ 12–13 (Albany)); Dkt. #351 (Wong Decl. ¶ 11
 25 (Bothell)); Dkt. #358 (Elicker Decl. ¶¶ 12–13 (New Haven)); Dkt. #363 (Kinder Decl. ¶ 12
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 27

(Spokane)); Dkt. #366 (Hernandez Decl. ¶¶ 12–13 (Thurston County)); force reductions in workforce, Dkt. #350 (Buddenhagen Decl. ¶ 12 (Berkeley)); Dkt. #355 (Reed Decl. ¶ 14 (LAHSA)); Dkt. #364 (Kim Decl. ¶¶ 12–13 (Tacoma)); Dkt. #366 (Hernandez Decl. ¶ 13 (Thurston County)); and divert resources from other public services, Dkt. #352 (Sutter Decl. ¶ 22 (Cincinnati)); Dkt. #360 (Shikada Decl. ¶ 16 (Palo Alto)); Dkt. #362 (Oster Decl. ¶ 13 (Santa Fe)); Dkt. #363 (Kinder Decl. ¶ 13 (Spokane)). Additional Plaintiffs may reduce housing and homelessness services, transportation infrastructure improvements, health care services, and other programs that support their residents' health, safety, and well-being. *See supra* Sect. II. Similarly, without preliminary relief, Nashville, Tucson, and Denver will face irreparable harm from, *inter alia*, losing access to critical funds, Dkt. #356 (Areola Decl. ¶ 15 (Nashville)), reductions in workforce, Dkt. #356 (Areola Decl. ¶ 15 (Nashville)); Dkt. #354 (Doheny Decl. ¶ 15 (Denver)); having to limit or eliminate programs entirely, Dkt. #357 (Dairo Decl. ¶ 18 (Nashville)); Dkt. #367 (Halversen Decl. ¶ 8 (Tucson)), and having to divert local funds to programs that are currently funded with federal grants, Dkt. #354 (Doheny Decl. ¶¶ 14–15 (Denver)). And even where Plaintiffs have accepted the conditions in order to avoid catastrophic denial of funding, they face ongoing uncertainty as to whether they can continue to draw down on these funds, to the extent each draw down requires accepting these conditions again, or whether they will have to formally recertify during the period of the grant. And as noted above, those Plaintiffs face ongoing constitutional injury from these conditions in accepted grants.

Moreover, lack of future funding certainty is causing harm now, including where Additional Plaintiffs are facing structural budget deficits and are deeply reliant on federal funds, Dkt. #349 (Fournier Decl. ¶ 13 (Allegheny County)); Dkt. #350 (Buddenhagen Decl. ¶¶ 12–14 (Berkeley)); or where Additional Plaintiffs have to make choices now to terminate programs or to

1 pay for them from local funds without knowing if the federal government will reimburse, Dkt.
 2 #351 (Wong Decl. ¶ 11 (Bothell)); Dkt. #353 (O'Malley Decl. ¶ 13 (Delaware County)); Dkt. #359
 3 (Everett Decl. ¶ 10 (Olympia)); Dkt. #361 (Curtin Decl. ¶ 12 (Port Angeles)); Dkt. #365 (Matheson
 4 Decl. ¶ 12 (Tacoma)). The ongoing uncertainty surrounding future funding presently harms (and
 5 will harm in the future) Additional Plaintiffs' ability to conduct capital planning, execute contracts,
 6 and retain qualified staff, Dkt. #349 (Fournier Decl. ¶ 15 (Allegheny County)); Dkt. #352 (Sutter
 7 Decl. ¶¶ 21–22 (Cincinnati)); Dkt. #359 (Everett Decl. ¶¶ 10–11 (Olympia)); Dkt. #364 (Kim Decl.
 8 ¶¶ 12–13 (Tacoma)); and undermines long-term funding plans, Dkt. #349 (Fournier Decl. ¶¶ 13,
 9 15 (Allegheny County)); Dkt. #350 (Buddenhagen Decl. ¶ 14 (Berkeley)). These harms, which
 10 mirror those the Court previously found to warrant preliminary relief, satisfy the second prong of
 11 the *Winter* test. *See* Dkt. #169 at 39–44; Dkt. #338 at 33–34.

14 3. The Balance of Equities and Public Interest Favor Additional Plaintiffs

15 For the reasons stated in the Court's PI orders and Plaintiffs' TRO and PI motions, the
 16 equities and public interest—which merge when the government is a party—tip decisively in favor
 17 of Additional Plaintiffs, as well as Nashville, Tucson, and Denver. Dkt. #169 at 44–45; Dkt. #338
 18 at 34–35; Dkt. #5 at 28–29; Dkt. #72 at 18; Dkt. #186 at 17; *Galvez v. Jaddou*, 52 F.4th 821, 831
 19 (9th Cir. 2022). The final two *Winter* prongs are thus met.

21 IV. CONCLUSION

22 Defendants have continued their efforts to dictate local policy through grant conditions not
 23 authorized by Congress, impacting more and more jurisdictions as time goes on. Plaintiffs have
 24 accordingly requested leave to amend the SAC to add Additional Plaintiffs challenging those
 25 conditions. As the Court has already found, the conditions violate separation of powers principles
 26 and the APA. And Additional Plaintiffs, as well as existing Plaintiffs Nashville, Tucson, and
 27

1 Denver, face irreparable harm. Plaintiffs thus seek a PI imminently, extending the relief previously
2 granted in this case to Additional Plaintiffs as to the HUD, DOT and HHS Grant Conditions, to
3 existing Plaintiffs Nashville and Tucson as to the HHS Grant Conditions, and to existing Plaintiff
4 Denver as to non-CoC HUD Grant Conditions.

5 Pursuant to this Court's Standing Order for all Civil Cases, Dkt. #4, counsel for Plaintiffs
6 have conferred with counsel for Defendants regarding this Motion.

7 DATED this 10th day of November, 2025.

8
9
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*Admitted pro hac vice
**Application for pro hac vice admission pending

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2025, I served a true and correct copy of the foregoing document on the following parties by the method(s) indicated below:

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I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 10th day of November, 2025.

/s/ Erica Knerr

Erica Knerr
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