



serve the interest of justice, promote judicial efficiency, and preserve the resources of both the Court and the Parties. In support of this Motion, the Parties state as follows:

1. On January 16, 2025, Plaintiffs filed a Complaint and Application for a Preliminary Injunction or Stay of Agency Action (the “Complaint”) [Docket No. 1] supported by declarations. Plaintiffs allege that the SFP Final Rule and implementation of the SFP, including through the publishing of the SFP List, are contrary to law, arbitrary, and capricious. Plaintiffs further allege that implementation of the SFP and publication of the SFP List caused immediate, irreparable harm.

2. On January 17, 2025, the Court ordered the Parties to meet and confer and file a Joint Discovery/Case-Management Plan to govern the proceedings in this case by April 11, 2025, in advance of the Initial Pretrial and Scheduling Conference set for April 21, 2025. The Parties note that this case is unlikely to involve discovery because it is an action for review of agency action on an administrative record. To the extent this case proceeds, it will be decided on the administrative record and the Parties’ summary judgment briefing regarding the same. This Court has not yet entered a deadline for the Parties’ motions for summary judgment.

3. On January 27, 2025, summonses were issued, and Plaintiffs promptly served the Complaint on Defendants.

4. Defendants’ current deadline to file an answer is March 28, 2025 [Docket No. 13].

5. On January 28, 2025, Plaintiffs filed an Application for Temporary Restraining Order Related to Agency Action (the “Motion for TRO”) [Docket No. 17]. Plaintiffs alleged that, absent the Court’s immediate intervention, Plaintiffs would continue to suffer irreparable harm from CMS’s actions.

6. On February 18, 2025, Defendants filed a Response in Opposition to the Motion for TRO [Docket No. 20]. Defendants alleged that, since Plaintiffs filed the Motion for TRO,

“CMS exercised its enforcement discretion to retract the SFP List by deactivating the SFP website in its entirety, which removed the SFP List from public view, and to cease implementation of the SFP until it can further explore options for program implementation and further rulemaking” [Docket No. 20 at 4].

7. In light of Defendants’ Response in Opposition to the Motion for TRO and CMS’s cessation of SFP implementation, on February 24, 2025, Plaintiffs filed a Notice of Withdrawal of the Motion for TRO [Docket No. 21].

8. On February 25, 2025, the Court ordered the withdrawal of the Motion for TRO.

9. Defendants represent that CMS will not resume implementation of the SFP Final Rule, including publication of an SFP List, during the 2025 calendar year. CMS, however, has not determined whether it will implement the SFP Final Rule in future years or take other action, such as withdraw the SFP Final Rule or undertake rulemaking to modify the SFP Final Rule.

10. In light of Defendants’ position, the Parties agree that staying this litigation while CMS determines its position regarding the SFP Final Rule and future implementation of the SFP would serve the interests of justice and judicial efficiency and preserve the resources of both the Court and the Parties. For example, CMS may determine that it will withdraw the SFP Final Rule or undertake rulemaking to modify the SFP Final Rule in ways that would resolve Plaintiffs’ claims in this case.

11. For these reasons, the Parties jointly request that this case be stayed, including that the following deadlines and events be stayed:

- a. Defendants’ Answer Deadline (March 28, 2025)
- b. Joint Discovery/Case-Management Plan (April 11, 2025)
- c. Initial Pretrial and Scheduling Conference (April 21, 2025)

12. Further, and in accordance with the above, the Parties propose that they submit a joint status report within ninety (90) days of the Court's issuance of an order staying this case, advising the Court as to the Parties' respective positions regarding a continued stay at that time.

13. The Parties agree that the Preliminary Injunction Application in the Complaint need not be addressed while CMS refrains from implementing the SFP Final Rule.

Dated: March 14, 2025

NICHOLAS J. GANJEI  
UNITED STATES ATTORNEY

/s/ Myra Siddiqui

Myra Siddiqui  
Assistant United States Attorney  
Southern District No. 3257790  
Texas Bar No. 24122806  
Christina Cullom  
Assistant United States Attorney  
Southern District No. 3825236  
Texas Bar No. 24122806  
1000 Louisiana, Suite 2300  
Houston, Texas 77002  
Telephone: 713-567-9716  
Facsimile: 713-718-3303

**ATTORNEYS FOR DEFENDANTS**

Respectfully submitted,

**FOLEY & LARDNER LLP<sup>^</sup>**

/s/ Matthew D. Krueger

Matthew D. Krueger\*<sup>''</sup>  
District of Columbia Bar No. 979682  
Lori Rubin Garber\*<sup>^</sup>  
District of Columbia Bar No. 1004240  
Megan Chester\*<sup>^</sup>  
District of Columbia Bar No. 1021163  
Washington Harbour  
3000 K Street, N.W., Suite 600  
Washington, D.C. 20007  
Telephone: 202-672-5300  
Facsimile: 202-672-5399

James G. Munisteri<sup>^</sup>  
Texas Bar No. 14667380  
Federal ID No. 7294  
Cassandra Georgantas<sup>^</sup>  
Texas Bar No. 24132712  
Federal ID No. 3839776  
1000 Louisiana, Suite 2000  
Houston, Texas 77002  
Telephone: 713-276-5500  
Facsimile: 713-276-5555

Lawrence W. Vernaglia ~<sup>^</sup>  
Massachusetts Bar No. 145487  
111 Huntington Avenue, Suite 2500  
Boston, Massachusetts 02199  
Telephone: 617-342-4079  
Facsimile: 617-342-4001

Gerald S. Kerska ~ ^  
Wisconsin Bar No.1124070  
David J. Wenthold ° ^  
Wisconsin Bar No. 1105155  
777 E. Wisconsin Ave.  
Milwaukee, Wisconsin 53202  
Telephone: 414-271-2400  
Facsimile: 414-297-4900

**Counsel to Plaintiffs Texas Association for  
Home Care & Hospice, Indiana Association  
for Home & Hospice Care, and Houston  
Hospice**

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC ^**

/s/ Katriel C. Statman  
Katriel C. Statman ^  
Texas Bar No. 24093197  
Federal Bar No. 2513924  
1301 McKinney Street, Suite 3700  
Houston, Texas 77010  
Telephone: 713-650-9700  
Facsimile: 713-650-9701

Matthew W. Wolfe ° ^  
North Carolina Bar No. 38715  
2235 Gateway Access Point, Suite 220  
Raleigh, North Carolina 27607  
Telephone: 919-294-0801  
Facsimile: 919-338-7696

**Counsel to Plaintiffs Association for Home  
& Hospice Care of North Carolina and  
South Carolina Home Care & Hospice  
Association**

**ATTORNEYS FOR PLAINTIFFS**

\* *Admitted Pro Hac Vice*  
° *Pro Hac Vice Application Filed*  
~ *Pro Hac Vice Application Forthcoming*  
“ *Attorney-in-Charge*  
^ *Of Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Parties' Joint Motion for Stay was electronically served upon all parties and counsel of record through the electronic filing system.

Dated: March 14, 2025

*/s/ Matthew D. Krueger* \_\_\_\_\_

Matthew D. Krueger  
FOLEY & LARDNER LLP  
Washington Harbour  
3000 K Street, N.W., Suite 600  
Washington, D.C. 20007  
(202) 672-5300  
mkrueger@foley.com

*Attorney-in-Charge  
Admitted Pro Hac Vice*

**CERTIFICATE OF CONFERENCE**

I hereby certify that on March 4, 2025, undersigned counsel and other counsel for Plaintiffs conferred by a video teleconference with Assistant United States Attorney Myra Farah Siddiqui of the U.S. Attorney's Office for the Southern District of Texas. The Parties discussed the substance of this motion and subsequently agreed to its filing.

Dated: March 14, 2025

*/s/ Matthew D. Krueger* \_\_\_\_\_

Matthew D. Krueger  
FOLEY & LARDNER LLP  
Washington Harbour  
3000 K Street, N.W., Suite 600  
Washington, D.C. 20007  
(202) 672-5300  
mkrueger@foley.com

*Attorney-in-Charge  
Admitted Pro Hac Vice*



2. The Parties shall submit a joint status report within ninety (90) days of the Court's issuance of an order staying this case, advising the Court as to the Parties' respective positions regarding a continued stay at that time.

It is so ORDERED.

March 21, 2025  
Date



---

The Honorable Alfred H. Bennett  
United States District Judge