

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLANDSTATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE
UNITED STATES, *et al.*,

Defendants.

Civil Action No. 1:25-cv-39 (JJM)

**DEFENDANTS' NOTICE OF FACTUAL DEVELOPMENT REGARDING
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

Plaintiffs in the above-captioned action have challenged a Memorandum issued by the Office of Management and Budget (OMB) on January 27, 2025. *See* OMB Mem. M-25-13, *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs* (Jan. 27, 2025); *see also* Compl. (ECF No. 1) ¶ 1 (confirming that this case seeks relief against OMB Memorandum M-25-13); TRO Mot. (ECF No. 5) at 2-3 (same).

Earlier today, OMB elected to rescind that challenged Memorandum. *See* OMB Mem. M-25-14, *Rescission of M-25-13* (Jan. 28, 2025) (“OMB Memorandum M-25-13 is rescinded.”) (attached hereto). Based on the rescission of the challenged action in this case, Plaintiffs’ claims are moot, and there is no need for prospective relief—let alone emergency relief in the form of a temporary restraining order—against the now-withdrawn Memorandum.

Absent contrary direction from the Court, undersigned counsel will appear at the previously scheduled hearing on Plaintiffs' motion for a temporary restraining order at 3:00 p.m. this afternoon.

Dated: January 29, 2025

Respectfully Submitted,

BRETT A. SHUMATE
Acting Assistant Attorney General

ERIC J. HAMILTON
Deputy Assistant Attorney General

ALEXANDER K. HAAS
Director

/s/ Daniel Schwei

DANIEL SCHWEI

Special Counsel

ANDREW F. FREIDAH

ELITAN R. SIRKOVICH

Trial Attorneys

United States Department of Justice

Civil Division, Federal Programs Branch

1100 L Street NW

Washington, DC 20530

Tel.: (202) 305-8693

Fax: (202) 616-8470

Email: daniel.s.schwei@usdoj.gov

Counsel for Defendants

CERTIFICATION OF SERVICE

I hereby certify that on January 29, 2025, I electronically filed the within Certification with the Clerk of the United States District Court for the District of Rhode Island using the CM/ECF System, thereby serving it on all registered users in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rule Gen 305.

/s/ Daniel Schwei
Daneil Schwei

RETRIEVED FROM DEMOCRACYDOCKET.COM