

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CATHY A. HARRIS, in her personal capacity and
in her official capacity as Member of the Merit
Systems Protection Board,

Plaintiff,

-against-

SCOTT BESSENT, in his official capacity as
Secretary of the Treasury, TRENT MORSE, in his
official capacity as Deputy Assistant to the
President and Deputy Director of the White House
Presidential Personnel Office, SERGIO GOR, in
his official capacity as Director of the White
House Presidential Personnel Office, HENRY J.
KERNER, in his official capacity as Acting
Chairman of the Merit Systems Protection Board,
DONALD J. TRUMP, in his official capacity as
President of the United States of America,
RUSSELL VOUGHT, in his official capacity as
Director of the Office of Management and
Budget,

Defendants.

Civil Case No. 1:25-cv-00412-RC

MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION TO STAY

Plaintiff Cathy A. Harris respectfully submits this response in opposition to the government's motion to stay the Court's Order granting summary judgment and awarding declaratory and injunctive relief. *See* ECF No. 39. The Court should deny the government's motion because it satisfies none of the requirements for a stay. *Nken v. Holder*, 556 U.S. 418, 434 (2009). As the Court explained at length in its recent Memorandum Opinion, and in its prior orders, the government is unlikely to succeed on the merits, especially in the face of binding Supreme Court precedent that "dictates the outcome" of this case. Mem. Op. at 11, ECF No. 40; ECF No. 18 (finding that "Harris—not Defendants—has shown . . . success on the

merits”). And for reasons the Court has provided in denying the government’s prior stay motion, the government is similarly unable to satisfy any of the remaining stay factors. *See* ECF No. 18 at 2; *see also* ECF No. 9 at 20 (“[T]he government cannot suffer harm from an injunction that merely ends an unlawful practice or reads a statute as required.”) (quotation marks omitted).

Respectfully submitted,

Dated: March 4, 2025
Washington, D.C.

/s/ Jeremy D. Wright

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2025, I filed the foregoing document with the Court via ECF, which will automatically serve all counsel of record, including:

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