

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

National Council of Nonprofits, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:25-cv-239 (LLA)
)	
Office of Management and Budget, <i>et al.</i> ,)	
)	
Defendants.)	
)	

DEFENDANTS’ NOTICE OF FACTUAL DEVELOPMENTS

On January 27, 2025, the Office of Management and Budget (“OMB”) issued a Memorandum, “requir[ing] Federal agencies to identify and review all Federal financial assistance programs and supporting activities consistent with the President’s policies and requirements.” OMB Mem. M-25-13, *Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs* (Jan. 27, 2025). On January 28, 2025, Plaintiffs filed the instant action against two Defendants—OMB and the Acting Director of OMB—seeking an order nullifying Memo M-25-13. *See* Complaint (ECF No. 1) at 2-3.

Later that same day, the Court held an Emergency Hearing at which time it ordered an administrative stay of Memo M-25-13. *See* Order (Jan. 28, 2025) (ECF No. 13). The administrative stay did not, however, affect the implementation of M-25-13 as it pertains to the “issuance of new awards” or “other relevant agency actions that may be implicated by the executive orders.” *Id.* at 4; *see also* Tr. of Jan. 28 at 27 (“If there are executive order reasons or rationales for the termination of other grants either before or after OMB’s guidance, perhaps they fall into the case as we proceed but they would not be subject to the administrative stay.”); *id.* at 29

(“So anything that was terminated pursuant to other executive orders I think is fodder for another lawsuit.”).

Nevertheless, earlier today, OMB elected to rescind Memo M-25-13. *See* OMB Mem. M-25-14, *Rescission of M-25-13* (Jan. 29, 2025) (“OMB Memorandum M-25-13 is rescinded.”) (attached hereto). Because of 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no need for prospective relief—let alone emergency relief in the form of a temporary restraining order—against the now-withdrawn Memorandum. Nonetheless, because Defendants understand that Plaintiffs disagree with this position (pursuant to discussions between the parties earlier today), Defendants intend to submit a written filing consistent with the current briefing schedule set by the Court—*i.e.*, by 5:00 pm tomorrow, January 30, 2025.

Dated: January 29, 2025

Respectfully Submitted,

BRETT A. SHUMATE
Acting Assistant Attorney General

ALEXANDER K. HAAS
Director

/s/ Daniel Schwei
DANIEL SCHWEI
Special Counsel (N.Y. Bar)
ANDREW F. FREIDAH
EITAN 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