

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COMMONWEALTH OF
MASSACHUSETTS; et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE; et al.,

Defendants.

Case No. 1:25-cv-13165

**EMERGENCY VIRTUAL HEARING
REQUESTED**

**PLAINTIFFS' FURTHER MOTION
FOR A TEMPORARY RESTRAINING ORDER**

Plaintiffs come to the Court yet again—for the third time in thirteen days—to seek emergency relief from yet another unlawful and senseless act by the U.S. Department of Agriculture (USDA) and other Defendants in their funding and oversight of the Supplemental Nutrition Assistance Program (SNAP).¹ Plaintiffs also respectfully request an emergency virtual hearing on this motion on Monday, November 10, 2025. The irreparable harm caused by Defendants' threats of financial peril as Plaintiffs attempt to navigate an unprecedented situation, with multiple contradictory guidance documents issued within days of each other that impact the issuance of life-saving benefits to millions of Americans, requires immediate judicial redress.

On November 7, 2025, after a district court ordered USDA to make full SNAP benefits available, USDA informed Plaintiffs that it was complying with this order. Indeed, USDA went further: It assured Plaintiffs that “[l]ater today, FNS will complete the processes necessary to make funds available to support your subsequent transmittal of full issuance files to your EBT

¹ Plaintiffs submitted a “reply” in further support of the motion for a temporary restraining order, identifying further agency actions and requests for relief (Doc. No. 68), which the Court has treated as an amended motion for a temporary restraining order (Doc. No. 70).

processor.” Plaintiffs took actions consistent with USDA’s lulling assurances. In many cases, Plaintiffs promptly began the process of issuing full benefits to their SNAP recipients. Then, late yesterday evening (November 8), one day after its lulling assurances—and for reasons that Defendants made no attempt to elucidate—USDA abruptly demanded that the Plaintiffs “undo” the efforts taken to administer the full benefits that USDA had assured Plaintiffs were in process just the day before. USDA went even further: It said that failure to “undo” these efforts may result in cancellation of the Federal share of the Plaintiffs’ administrative costs and holding Plaintiffs liable for any overissuances that result from processing full benefits.

Yet again, Defendants have issued a final agency action that flouts the most basic of agency constraints under the Administrative Procedure Act (APA). Yet again, USDA has placed unendurable, indeed impossible, burdens on Plaintiffs in their administration of life-saving benefits under SNAP—and threatens ruinous financial sanction on the Plaintiffs if they fail to make these unendurable, impossible burdens.

Pursuant to Federal Rule of Civil Procedure 65 and Local Rule 7.1, for the reasons set forth in the accompanying memorandum, declarations, and evidence, Plaintiffs respectfully move for a temporary restraining order against this unlawful November 8 directive and all implementation and enforcement of this directive.² In so moving, Plaintiffs also incorporate by reference their Motion for a Temporary Restraining Order (Doc. No. 3), accompanying memorandum (Doc. No. 4), and their Reply in Support of Their Motion for a Temporary Restraining Order (Doc. No. 68) (treated as an amended motion (Doc. No. 70)).

² Plaintiffs further request that the Court exercise its discretion to waive the requirement to post a bond under Rule 65(c). *See* Pls.’ Mot. for Temporary Restraining Order (Doc. No. 3) at 3 (n.1).

Dated: November 9, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Michelle Pascucci

Michelle Pascucci

LOCAL RULE 7.1 CERTIFICATE

I, Michelle Pascucci, certify that on November 9, 2025, I conferred with counsel for the government by email, during which the parties were unable to resolve the dispute at issue in this motion.

The position of the Defendants with respect to the Plaintiffs' motion is set forth below:

"Defendants oppose Plaintiffs' motion for an additional temporary restraining order. Defendants also oppose moving the planned hearing from Thursday to tomorrow. The already scheduled hearing date would best facilitate time for Defendants to respond to the latest motion (which they have not yet seen) and the Court's review.

If the Court determines the hearing should be moved sooner, Defendants' request that they have an opportunity to respond to Plaintiffs' newest motion and would request at least until Monday at 11:59pm to do so. Defendants thus request that any change in the hearing date be for Tuesday, rather than Monday. Second, Defendants' lead counsel is presenting argument in a related case where separate plaintiffs are requesting a temporary restraining order in the Northern District of California. That hearing will be over Zoom, at 5pm EST on Monday. *Perrone et. al. v. Rollins et. al.*, 3:25cv9508 (N.D. Cal.), Doc. No. 14. Given the other hearing already scheduled for late on Monday, Defendants request that any hearing on Plaintiffs' new motion be heard remotely, given the flight complications previously referenced and the difficulty of travelling to Boston after or before the 5pm Monday hearing as well as the need to consider a fulsome response to Plaintiffs' motion."

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