

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

State of New Jersey, et al.,

Plaintiffs,

v.

United States Department of Transportation, et al.,

Defendants.

Docket No. 25-1424

Notice of Motion for a Stay
Pending Appeal Under FRAP
8(a)(1)(A)

PLEASE TAKE NOTICE that Defendants, United States Department of Transportation, Sean P. Duffy in his official capacity as Secretary of Transportation, the Federal Railroad Administration, David A. Fink, in his official capacity as Administrator of the Federal Railroad Administration, the Federal Transit Administration, Marcus J. Molinaro, in his official capacity as Administrator of the Federal Transit Administration, the Build America Bureau, and Dr. Morteza Farajian in his official capacity as Executive Director of the Build America Bureau, will move this Court at the United States District courthouse located at 500 Pearl Street, New York, New York, on the 9th day of February, 2026, as required by FRAP 8(a)(1), for an Order granting Defendants a stay pending the appeal of this Court's February 6, 2026, Opinion and Order, which granted Plaintiffs' motion for a Temporary Restraining Order.

Pursuant to Local Rule 6.1(b), any opposing affidavits and answering memoranda shall be served within fourteen days after service of the moving papers, or on February 23, 2026; reply papers shall be served within seven days after service of the answering papers, or on March 2, 2026.

Dated: New York, New York
February 9, 2026

Respectfully submitted,

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United States Attorney for the
Southern District of New York
Attorney for Defendants

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