

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PATSY WIDAKUSWARA, *et al.*,

Plaintiffs,

—v.—

KARI LAKE, *et al.*,

Defendants.

Case No. 1:25-cv-1015-RCL

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR EXTENSION OF
TIME TO RESPOND AND MOTION TO STAY BRIEFING ON PLAINTIFFS' PARTIAL
MOTION FOR SUMMARY JUDGMENT, ECF NO. 171**

Plaintiffs incorporate the arguments set forth in Plaintiffs' Opposition to Defendants' Motion to Stay, ECF No. 172, and set forth the following brief additional arguments as they pertain to Defendants' nearly identical Motion for Extension of Time to Respond and Motion to Stay Briefing on Plaintiffs' Partial Motion for Summary Judgment, ECF No. 171.

First, Defendants wrongly contend that the motion for partial summary judgment is improperly piecemeal and premature. ECF No. 171 at 3 n.1, 5. Federal Rule of Civil Procedure 56 provides that “[a] party may move for summary judgment, identifying each claim or defense—or *the part of each claim or defense*—on which summary judgment is sought,” and may do so “*at any time* until 30 days after the close of all discovery.” Fed. R. Civ. P. 56(a)-(b). In other words, the Rule expressly contemplates motions for partial summary judgment and places no restriction on how early a party may move. *See Glenayre Elecs., Ltd. v. Polansky Elecs., Ltd.*, No. CIV.A. 90-1255 (RCL), 1994 WL 396056, at *3 (D.D.C. Mar. 31, 1994) (Lamberth, J.) (noting “at any time” language in Rule 56 “is to be read literally”). Courts’ regular practice of treating motions to dismiss as motions for summary judgment when they implicate materials outside the complaint further undermines Defendants’ position that there is a rigid, step-by-step formula for each civil matter. *See* Fed. R. Civ. P. 12(d); *see also, e.g., Joe Hand Promotions, Inc. v. Molly Malone's LLC*, No. CV 19-3479 (JEB), 2020 WL 5816219, at *1-2 (D.D.C. Sept. 30, 2020). Notably, Defendants do not assert a need to engage in discovery to defend against the partial motion—an argument properly asserted through Rule 56(d)—and indeed have vigorously opposed plaintiffs’ efforts to engage in discovery, ECF No. 123 at 10.

Second, Defendants’ suggestion that the instant motion will be resolved by the pending D.C. Circuit appeal and their pending motion to dismiss is misguided. Plaintiffs did not move for a preliminary injunction on their Appointments Clause claim and therefore the D.C. Circuit

appeal—which in any event forecasts only *likelihood of success*—will not touch on that claim. And in moving to dismiss the complaint, Defendants devoted merely one paragraph to the Appointments Clause claim, ECF No. 128 at 53, making it more efficient for the Court to rule on that claim with the benefit of the fuller briefing and additional factual context provided in the supplemental complaint and summary judgment motion. Moreover, the FVRA claim was not a part of the original complaint, meaning neither the pending appeal nor the motion to dismiss has any bearing on it, and it presents an argument of great public importance as reflected by the Third Circuit’s recent decision in *United States v. Giraud*. See 2025 WL 3439752, at *7 (3d Cir. Dec. 1, 2025) (holding that “only the first assistant in place at the time of the vacancy automatically assumes acting status under the FVRA” and Acting United States Attorney for the District of New Jersey was ineligible on that basis).

Finally, there is urgency to this motion, which establishes that the agency’s outstanding reduction-in-force, which threatens to decimate the agency, was issued by Defendant Kari Lake without authority. Moreover, recent reporting suggests Ms. Lake is taking action to close overseas offices and radio stations that will further undermine the agency’s ability to function.¹

Plaintiffs note that Defendants “take no position on Plaintiffs’ motion for leave to supplement the complaint,” leaving the motion unopposed and ripe for a ruling. ECF No. 171 at 3.

For the foregoing reasons and for the reasons contained in Plaintiffs’ Opposition to Defendants’ Motion to Stay, Plaintiffs respectfully request that this Court deny Defendants’

¹ Minho Kim, Trump to Close Voice of America’s Overseas Offices and Radio Stations, N.Y. TIMES, Dec. 2, 2025, <https://www.nytimes.com/2025/12/02/us/politics/trump-voice-of-america-overseas-offices.html?smid=nytcore-ios-share>.

motion to stay and order Defendants to respond to the pending motion for summary judgment by December 11.

Dated: December 3, 2025

Respectfully submitted,

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COUNTY, AND MUNICIPAL EMPLOYEES,
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** The views expressed herein do not purport to
represent the institutional views of Yale Law
School, if any.

CERTIFICATE OF SERVICE

I hereby certify that, on December 3, 2025, I caused the foregoing to be served on counsel of record via the Court's electronic case filing system.

_____/s/_____
Georgina Yeomans