

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

STATE OF WASHINGTON, et al.,

Plaintiff,

v.

FEDERAL EMERGENCY MANAGEMENT  
AGENCY, et al.,

Defendants.

CIVIL ACTION  
NO. 1:25-cv-12006-RGS

**PLAINTIFF STATES' MOTION TO ENFORCE THE COURT'S  
SUMMARY JUDGMENT ORDER**

On December 11, 2025, the Court granted Plaintiff States'<sup>1</sup> Motion for Summary Judgment in this dispute over the unlawful termination of the Building Resilient Infrastructure and Communities (BRIC) program by the Federal Emergency Management Agency (FEMA). ECF Nos. 129-130. The Court vacated and set aside the termination of the BRIC program and permanently enjoined Defendants<sup>2</sup> from implementing the Hamilton Memo or the April 4 Press

---

<sup>1</sup> Plaintiffs are the State of Washington; the Commonwealth of Massachusetts; the State of Arizona; the State of California; the State of Colorado; the State of Connecticut; the State of Delaware; the District of Columbia; the State of Illinois; Office of the Governor, *ex rel.* Andy Beshear, in his official capacity as Governor of the Commonwealth of Kentucky; the State of Maine; the State of Maryland; the State of Michigan; the State of Minnesota; the State of New Jersey; the State of New Mexico; the State of New York; the State of North Carolina; the State of Oregon; Josh Shapiro, in his official capacity as Governor of the Commonwealth of Pennsylvania; the State of Rhode Island; the State of Vermont; and the State of Wisconsin, and their subdivisions and instrumentalities.

<sup>2</sup> "Defendants" are FEMA, Karen Evans in her official capacity as acting FEMA Administrator under the title "Senior Official Performing the Duties of the Administrator," the Department of Homeland Security (DHS), Kristi Noem in her official capacity as the Secretary of Homeland Security, and the United States.

Release without Congressional authorization and approval.<sup>3</sup> ECF No. 130 (Order) ¶¶ 2-3. This Court also ordered Defendants to “promptly take all steps necessary to reverse the termination[.]” *Id.* ¶ 3(c).

Over two months have passed and Defendants have offered no indication to Plaintiff States, the public, or FEMA’s own regional offices that they have complied with the Order. Nothing has changed since the Order: Defendants have not re-issued the Fiscal Year 2024 BRIC Notice of Funding Opportunity, awarded any BRIC projects, or (to Plaintiff States’ knowledge) issued any requests for information for selected BRIC projects or decided any new period of performance extensions. Many of FEMA’s regional offices seem to lack information about whether and when Defendants will resume the BRIC program, while others have indicated to Plaintiff States that Defendants are taking a “wait and see” approach. Despite Plaintiffs’ inquiries, Defendants have not identified any concrete steps that they have taken to implement the Order and instead merely represented that they are “still in the process of connecting with leadership about how BRIC will operate and on what timelines.” Declaration of Amy Laura Cahn, Ex. 1.

FEMA’s noncompliance only exacerbates the harms identified by the Court in the Order: Defendants continue to perpetuate a substantial reduction in FEMA’s mitigation responsibilities and deny Plaintiff States the ability to access funding to which they are statutorily entitled. The uncertainty and ongoing delay continue to “threaten the very existence of the States’ projects”, leaving state emergency management agencies and local municipalities scrambling to fill funding gaps and preserve contracts and partnerships. ECF No. 129 at 18. And ultimately, Plaintiff States

---

<sup>3</sup> The “Hamilton Memo” is the memorandum issued by Cameron Hamilton on April 2, 2025, available at ECF No. 96 at 45-46. The “April 4 Press Release” is the press release issued by FEMA on April 4, 2025, available at ECF No. 96 at 55.

continue to face the loss of an urgently needed program “designed to protect against natural disasters and save lives.” *Id.* at 17-18.

Plaintiff States ask the Court to enforce its Order by issuing the Proposed Order attached to this motion as Exhibit 1. This Court should order Defendants to reverse the Hamilton Memo and the April 4 Press Release, to communicate the reversal to all relevant stakeholders, and to issue a Fiscal Year 2024 Notice of Funding Opportunity for the BRIC program in compliance with their statutory obligation to make BRIC funds available. *See* Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429, 1387 (2021) and 42 U.S.C. § 5133(f). Defendants should also be ordered to inform each Plaintiff State as to the status of all BRIC projects impacted by the BRIC termination and what steps are required to move the projects forward. Defendants should be required to file status reports with the Court explaining the steps they have taken to comply with the Order and reverse the Hamilton Memo’s directives and identifying any remaining steps required for compliance and when Defendants will take them. Compliance with this Order is not optional and enforcement is required.

For the reasons explained in the accompanying memorandum, Plaintiff States respectfully request that this Court enter the Proposed Order attached to this Motion as Exhibit 1.

DATED this 17th day of February 2026.

Respectfully submitted,

Plaintiffs

**ANDREA JOY CAMPBELL**  
Attorney General  
Commonwealth of Massachusetts

/s/ Amy Laura Cahn  
HANNAH C. VAIL, BBO No. 698577  
JAK KUNDL, BBO No. 713951  
Assistant Attorneys General  
AMY LAURA CAHN, BBO No. 716706  
Special Assistant Attorney General  
Massachusetts Office of the Attorney  
General  
One Ashburton Place  
Boston, MA 02108  
617-963-2512  
[hannah.vail@mass.gov](mailto:hannah.vail@mass.gov)  
[jak.kundl@mass.gov](mailto:jak.kundl@mass.gov)  
[amy.laura.cahn@mass.gov](mailto:amy.laura.cahn@mass.gov)  
*Attorneys for Plaintiff Commonwealth of  
Massachusetts*

**KRISTIN K. MAYES**  
Attorney General  
State of Arizona

/s/ Lauren Watford  
LAUREN WATFORD\*  
Assistant Attorney General  
Arizona Attorney General's Office  
2005 North Central Avenue  
Phoenix, Arizona 85004  
602-542-3333  
[Lauren.Watford@azag.gov](mailto:Lauren.Watford@azag.gov)  
*Attorneys for the State of Arizona*

**NICHOLAS W. BROWN**  
Attorney General  
State of Washington

/s/ Jennifer K. Chung  
TYLER ROBERTS\*  
JENNIFER K. CHUNG\*  
NIYA TAWACHI\*  
ANDREW R.W. HUGHES\*  
MOLLY POWELL\*\*  
Assistant Attorneys General  
CRISTINA SEPE\*  
Deputy Solicitor General  
Washington Office of the Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104-3188  
206-464-7744  
[tyler.roberts@atg.wa.gov](mailto:tyler.roberts@atg.wa.gov)  
[jennifer.chung@atg.wa.gov](mailto:jennifer.chung@atg.wa.gov)  
[niya.tawachi@atg.wa.gov](mailto:niya.tawachi@atg.wa.gov)  
[andrew.hughes@atg.wa.gov](mailto:andrew.hughes@atg.wa.gov)  
[cristina.sepe@atg.wa.gov](mailto:cristina.sepe@atg.wa.gov)  
*Attorneys for Plaintiff State of Washington*

**ROB BONTA**  
Attorney General  
State of California

/s/ David Green  
R. MATTHEW WISE\*  
Supervising Deputy Attorney General  
DAVID GREEN\*  
CHRISTOPHER KISSEL\*  
HARALD H. KIRN\*  
Deputy Attorneys General  
California Office of the Attorney General  
1300 I Street  
Sacramento, CA 95814  
916-445-9555

[matthew.wise@doj.ca.gov](mailto:matthew.wise@doj.ca.gov)  
[david.green@doj.ca.gov](mailto:david.green@doj.ca.gov)  
[christopher.kissel@doj.ca.gov](mailto:christopher.kissel@doj.ca.gov)  
[harold.kirn@doj.ca.gov](mailto:harold.kirn@doj.ca.gov)

*Attorneys for Plaintiff State of California*

**PHILIP J. WEISER**

Attorney General  
State of Colorado

*/s/ Finnuala Tessier*

FINNUALA TESSIER\*

SAMUEL WOLTER\*

Assistant Attorneys General  
Colorado Department of Law  
1300 Broadway, 10th Floor  
Denver, CO 80203  
720-508-6000

[finnuala.tessier@coag.gov](mailto:finnuala.tessier@coag.gov)

[samuel.wolter@coag.gov](mailto:samuel.wolter@coag.gov)

*Attorneys for Plaintiff State of Colorado*

**WILLIAM TONG**

Attorney General  
State of Connecticut

*/s/ Ashley Meskill*

ASHLEY MESKILL\*

Assistant Attorney General  
Connecticut Office of the Attorney General  
165 Capitol Ave  
Hartford, CT 06106  
860-808-5270

[ashley.meskill@ct.gov](mailto:ashley.meskill@ct.gov)

*Attorneys for Plaintiff State of Connecticut*

**KATHLEEN JENNINGS**

Attorney General  
State of Delaware

*/s/ Vanessa L. Kassab*

IAN R. LISTON\*

Director of Impact Litigation  
VANESSA L. KASSAB\*  
Deputy Attorney General  
Delaware Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
302-683-8899

[vanessa.kassab@delaware.gov](mailto:vanessa.kassab@delaware.gov)

*Attorneys for Plaintiff State of Delaware*

**BRIAN L. SCHWALB**

Attorney General for the District of Columbia

*/s/ Andrew C. Mendrala*

ANDREW C. MENDRALA\*

Assistant Attorney General  
Public Advocacy Division  
Office of the Attorney General for the  
District of Columbia  
400 Sixth Street, NW  
Washington, D.C. 20001  
202-724-9726

[andrew.mendrala@dc.gov](mailto:andrew.mendrala@dc.gov)

*Attorneys for the District of Columbia*

**KWAME RAOUL**

Attorney General  
State of Illinois

*/s/ Aleeza M. Strubel*

ALEEZA M. STRUBEL\*

Complex Litigation Counsel

**OFFICE OF THE GOVERNOR**

Andy Beshear, in his official capacity as  
Governor of the Commonwealth of Kentucky

*/s/ S. Travis Mayo*

S. TRAVIS MAYO\*

General Counsel

**SARAH J. GALLO\***  
Ethics Unit Supervisor  
Illinois Office of the Attorney General  
115 S. LaSalle Street  
Chicago, IL 60604  
773-914-3046  
[aleeza.strubel@ilag.gov](mailto:aleeza.strubel@ilag.gov)  
[sarah.gallo@ilag.gov](mailto:sarah.gallo@ilag.gov)  
*Attorneys for Plaintiff State of Illinois*

**TAYLOR PAYNE\***  
Chief Deputy General Counsel  
**LAURA C. TIPTON\***  
Deputy General Counsel  
Office of the Governor  
700 Capitol Avenue, Suite 106  
Frankfort, KY 40601  
502-564-2611  
[travis.mayo@ky.gov](mailto:travis.mayo@ky.gov)  
[taylor.payne@ky.gov](mailto:taylor.payne@ky.gov)  
[laurac.tipton@ky.gov](mailto:laurac.tipton@ky.gov)  
*Attorneys for the Office of the Governor of Kentucky*

**AARON M. FREY**  
Attorney General  
State of Maine

**ANTHONY G. BROWN**  
Attorney General  
State of Maryland

*/s/ Reid Hayton-Hull*  
**REID HAYTON-HULL\***  
Assistant Attorney General  
Maine Office of the Attorney General  
6 State House Station  
Augusta, ME 04333-0006  
207-626-8800  
[reid.hayton-hull@maine.gov](mailto:reid.hayton-hull@maine.gov)  
*Attorneys for the State of Maine*

*/s/ Robert N. Brewer*  
**ROBERT N. BREWER\***  
Assistant Attorney General  
Maryland Office of the Attorney General  
200 Saint Paul Place, 20th Floor  
Baltimore, MD 21202  
410-576-6924  
[rbrewer@oag.state.md.us](mailto:rbrewer@oag.state.md.us)  
*Attorneys for Plaintiff State of Maryland*

**DANA NESSEL**  
Attorney General  
State of Michigan

**KEITH ELLISON**  
Attorney General  
State of Minnesota

*/s/ Neil Giovanatti*  
**NEIL GIOVANATTI\***  
**ADAM DE BEAR\***  
Assistant Attorneys General  
Michigan Department of Attorney General  
525 W. Ottawa  
Lansing, MI 48909  
517-335-7603  
[giovanattin@michigan.gov](mailto:giovanattin@michigan.gov)  
[deacara@michigan.gov](mailto:deacara@michigan.gov)  
*Attorneys for Plaintiff State of Michigan*

*/s/ Cat Rios-Keating*  
**CAT RIOS-KEATING\***  
Special Assistant Attorney General  
Office of the Minnesota Attorney General  
445 Minnesota St., Suite 600  
St. Paul, MN 55101  
651-300-7302  
[catherine.rios-keating@ag.state.mn.us](mailto:catherine.rios-keating@ag.state.mn.us)  
*Attorneys for Plaintiff State of Minnesota*

**JENNIFER L. DAVENPORT**  
Acting Attorney General

**RAÚL TORREZ**  
Attorney General

State of New Jersey

/s/ Phoenix N. Meyers  
PHOENIX N. MEYERS\*  
Deputy Attorney General  
New Jersey Office of the Attorney General  
25 Market Street  
Trenton, NJ 08625  
609-696-5289  
[phoenix.meyers@law.njoag.gov](mailto:phoenix.meyers@law.njoag.gov)  
*Attorneys for Plaintiff State of New Jersey*

**LETITIA JAMES**  
Attorney General  
State of New York

/s/ Colleen K. Faherty  
COLLEEN K. FAHERTY\*  
Special Trial Counsel  
New York Office of the Attorney General  
28 Liberty Street  
New York, NY 10005  
212-416-6046  
[Colleen.Faherty@ag.ny.gov](mailto:Colleen.Faherty@ag.ny.gov)  
*Attorneys for Plaintiff State of New York*

**DAN RAYFIELD**  
Attorney General  
State of Oregon

/s/ Scott P. Kennedy  
SCOTT P. KENNEDY\*  
BRIAN S. MARSHALL\*  
Senior Assistants Attorney General  
Oregon Office of the Attorney General  
1162 Court Street NE  
Salem, OR 97301  
971-453-9050  
[scott.kennedy@doj.oregon.gov](mailto:scott.kennedy@doj.oregon.gov)  
[brian.s.marshall@doj.oregon.gov](mailto:brian.s.marshall@doj.oregon.gov)  
*Attorneys for Plaintiff State of Oregon*

State of New Mexico

/s/ Mark Noferi  
MARK NOFERI\*  
Senior Litigation Counsel  
New Mexico Department of Justice  
408 Galisteo Street  
Santa Fe, NM 87501  
505-490-4060  
[mnoferi@nmdoj.gov](mailto:mnoferi@nmdoj.gov)  
*Attorneys for the State of New Mexico*

**JEFF JACKSON**  
Attorney General

**LAURA HOWARD**  
Chief Deputy Attorney General  
State of North Carolina

/s/ Daniel T. Wilkes  
DANIEL T. WILKES\*  
Assistant Deputy Attorney General  
North Carolina Department of Justice  
PO Box 629  
Raleigh, NC 27602  
919-716-6415  
[dwilkes@ncdoj.gov](mailto:dwilkes@ncdoj.gov)  
*Attorneys for Plaintiff State of North Carolina*

**JOSH SHAPIRO**  
in his official capacity as Governor of the  
Commonwealth of Pennsylvania

JENNIFER SELBER  
General Counsel

/s/ Jacob B. Boyer  
JACOB B. BOYER\*  
Deputy General Counsel  
Pennsylvania Office of the Governor  
30 N. 3rd St., Suite 200  
Harrisburg, PA 17101  
717-460-6786  
[jacobboyer@pa.gov](mailto:jacobboyer@pa.gov)  
*Attorneys for Governor Josh Shapiro*

**PETER F. NERONHA**

Attorney General  
State of Rhode Island

/s/ Nicholas M. Vaz

Nicholas M. Vaz, Esq. (BBO 693629)  
Special Assistant Attorney General  
Rhode Island Office of the Attorney General  
150 South Main Street  
Providence, RI 02903  
401-274-4400

[NVaz@riag.ri.gov](mailto:NVaz@riag.ri.gov)

*Attorneys for Plaintiff State of Rhode Island*

**CHARITY R. CLARK**

Attorney General  
State of Vermont

/s/ Ryan P. Kane

RYAN P. KANE\*  
Deputy Solicitor General  
Vermont Office of the Attorney General  
109 State Street  
Montpelier, VT 05609  
802-828-2153

[ryan.kane@vermont.gov](mailto:ryan.kane@vermont.gov)

*Attorneys for Plaintiff State of Vermont*

**JOSHUA L. KAUL**

Attorney General  
State of Wisconsin

/s/ Lynn K. Lodahl

LYNN K. LODAHL\*  
Assistant Attorney General  
Wisconsin Department of Justice  
Post Office Box 7857  
Madison, WI 53707-7857  
608-264-6219

[lynn.lodahl@wisdoj.gov](mailto:lynn.lodahl@wisdoj.gov)

*Attorneys for Plaintiff State of Wisconsin*

*\*admitted pro hac vice*

*\*\*pro hac vice application pending or  
forthcoming*



**CERTIFICATE OF SERVICE**

I certify that this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF).

/s/ Amy Laura Cahn

Amy Laura Cahn

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

I certify that beginning on January 15, 2026, and ending on February 10, 2026, I discussed the foregoing motion with counsel for the Defendants, Nicole O'Connor, via email in a good faith effort to narrow the issues posed by this motion.

/s/ Hannah C. Vail

Hannah C. Vail