

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

JAKE'S BAR AND GRILL, LLC, and
ANTONIO VITOLO,

Plaintiffs,

v.

Case No. 3:21-cv-176

ISABELLA CASILLAS GUZMAN,

Defendant.

SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION FOR TEMPORARY
RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION

Shortly after Plaintiffs filed this lawsuit, the Small Business Association released its latest data on the Restaurant Revitalization Fund. This new data strongly supports Plaintiffs' request for an immediate temporary restraining order and preliminary injunction. According to SBA, it has already received over 147,000 applications from "priority" applicants, requesting a total of \$29 billion in funds—more than is available in the fund. *See* Small Business Association, *Recovery for the Smallest Restaurants and Bars: Administrator Guzman Announces Latest Application Data Results for the Restaurant Revitalization Fund* (May 12, 2021), <https://www.sba.gov/article/2021/may/12/recovery-smallest-restaurants-bars-administrator-guzman-announces-latest-application-data-results>.

Furthermore, SBA's press release announces that it has already processed 21,000 applications and disbursed \$2.7 billion of the funds. *Id.* In other words, unless this Court issues a temporary restraining order or preliminary injunction, the fund

will be entirely depleted before disfavored applicants, like Plaintiffs, ever have a shot at this much-needed relief. This Court can fully remedy the blatant equal protection violation by immediately ordering Defendant to cease disbursements from the fund until this Court can rule on the preliminary injunction motion, and then issuing a preliminary injunction requiring SBA to process applications in the order they were received, without regard to the race or gender of the applicant.

Dated May 12, 2021

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