

No. 21-5256

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

TIGER LILY, LLC, et al.,

Plaintiffs-Appellees,

v.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, et al.,

Defendants-Appellants.

On Appeal from the United States District Court
for the Western District of Tennessee

**REPLY IN SUPPORT OF EMERGENCY MOTION FOR STAY
PENDING APPEAL AND FOR IMMEDIATE
ADMINISTRATIVE STAY**

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Our motion explained that a stay pending appeal and an immediate administrative stay are necessary to avoid immediate irreparable injury to the public health and safety, and that the government has a likelihood of success on appeal. Plaintiffs' opposition addresses neither the public injuries at issue nor the government's showing on the merits.

The sole ground for plaintiffs' opposition is their mistaken assertion that the government failed to comply with Rule 8 of the Federal Rules of Appellate Procedure. As we noted in our motion, and as plaintiffs acknowledge, the government filed a motion for a stay in district court as contemplated by Rule 8. Absent emergent circumstances, we would generally not come to this Court prior to a district court ruling. Where immediate relief is required to avoid irreparable injury, however, Rule 8 does not require a party to delay filing in the court of appeals. As we showed in our motion, and as plaintiffs have not disputed, that is the case here.

Plaintiffs ask in the alternative that the Court extend the time for filing their opposition. Although plaintiffs do not explain why an extension is required, the government has no objection to their request for an extension provided that this Court issues an administrative stay. We would strongly object to plaintiffs' request for an extension if it were a means of postponing action by this Court.

CONCLUSION

The Court should stay the district court's judgment pending appeal and issue an immediate administrative stay to preserve the status quo.

Respectfully submitted,

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/s/ Alisa B. Klein

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MARCH 2021

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing opposition complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because the motion contains 253 words. The motion complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 27(d)(1)(E) and 32(a)(5) and (6) because it has been prepared using Microsoft Word 2016 in proportionally spaced 14-point Garamond typeface.

/s/ Alisa B. Klein
ALISA B. KLEIN

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2021, I electronically filed the foregoing opposition with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Alisa B. Klein

ALISA B. KLEIN