

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Sid Miller, et al.,

Plaintiffs,

v.

Tom Vilsack, in his official capacity as
Secretary of Agriculture,

Defendant.

Case No. 4:21-cv-00595-O

NOTICE OF SUPPLEMENTAL AUTHORITY

Earlier today, the federal district court in *Faust v. Vilsack*, 1:21-cv-00548-WCG (E.D. Wis.), issued a TRO that enjoins Secretary Vilsack “from forgiving any loans pursuant to Section 1005 until the Court rules on Plaintiffs’ motion for preliminary injunction.” Dkt. Entry 21. The district court in that case had previously ordered the defendants to respond to the plaintiffs’ motion for preliminary injunction by June 18, 2021, with the plaintiffs’ reply to be filed the following weekend. *See* Dkt. Entry 16. These orders are reflected on the docket sheet, which we have attached.

There are also three other pending cases involving constitutional challenges to section 1005. *See Holman v. Vilsack*, No. 1:21-cv-01085-STA (W.D. Tenn.); *Wynn v. Vilsack*, No. 3:21-cv-00514-MMH (M.D. Fla.); *Carpenter v. United States Department of Agriculture Secretary*, No. 0:21-cv-00103-NDF (D. Wyo.). The parties in *Wynn* have already briefed the preliminary-injunction issue, and a hearing will be held on either June 15 or June 16. *See* Dkt. Entry 16. The district court in *Holman* has set a preliminary-injunction briefing schedule and ordered the defendants to respond to the plaintiffs’ motion by June 24, 2021. *See* Dkt. Entry 13. The preliminary-injunction hearing in *Holman* will be held on June 29, 2021, at 8:45 A.M. *See id.*

Respectfully submitted.

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Dated: June 10, 2021

*Counsel for Plaintiffs and
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CERTIFICATE OF SERVICE

I certify that on June 10, 2021, I served this document through CM/ECF upon:

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**United States District Court
Eastern District of Wisconsin (Green Bay)
CIVIL DOCKET FOR CASE #: 1:21-cv-00548-WCG**

Faust et al v. Vilsack et al
Assigned to: Judge William C Griesbach
Cause: 05:702 Administrative Procedure Act

Date Filed: 04/29/2021
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Adam P Faust

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Defendant

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V.

Movant

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TERMINATED: 06/10/2021

represented by **Corey Lea**
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Date Filed	#	Docket Text
04/29/2021	<u>1</u>	COMPLAINT against All Defendants by Jay T. Slaba, Adam P. Faust, Jon Stevens, Christopher C. Baird, Joseph W. Schmitz. (Filing Fee PAID \$402 receipt number AWIEDC-3805205) (Attachments: # <u>1</u> Summons Summons Vilsack, # <u>2</u> Summons

		Summons Duchaneaux, # 3 Civil Cover Sheet Civil Cover Sheet)(Lennington, Daniel)
04/29/2021		NOTICE Regarding assignment of this matter to Judge William C Griesbach; Consent/refusal forms for Magistrate Judge Joseph to be filed within 21 days; the consent/refusal form is available here . Pursuant to Civil Local Rule 7.1 a disclosure statement is to be filed upon the first filing of any paper and should be filed now if not already filed. (jcl)
04/29/2021		NOTICE of Electronic Filing Error re 1 Complaint. The description of the attachments contains duplicate text. In the future, when attaching documents to the main document you may select a description from the category drop-down list but then you should not repeat that word in the description text box. This document does not need to be re-filed. Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (tlf)
04/29/2021		Summons Issued as to Zack Duchaneaux and Thomas J Vilsack. (tlf)
05/03/2021	2	NOTICE of Appearance by Daniel P Lennington on behalf of All Plaintiffs. Attorney(s) appearing: Richard M. Esenberg (Lennington, Daniel)
05/03/2021	3	NOTICE of Appearance by Daniel P Lennington on behalf of All Plaintiffs. Attorney(s) appearing: Luke N. Berg (Lennington, Daniel)
05/03/2021	4	NOTICE of Appearance by Daniel P Lennington on behalf of All Plaintiffs. Attorney(s) appearing: Katherine D. Spitz (Lennington, Daniel)
05/04/2021	5	DISCLOSURE Statement by All Plaintiffs. (Lennington, Daniel)
05/04/2021	6	MOTION for Joinder as a Plaintiff and CROSSCLAIM against Plaintiffs Faust, Baird, Stevens, Slaba and Schmitz by Corey Lea. (tlf)
05/19/2021	7	AMENDED COMPLAINT against All Defendants adding parties James C Ash, Lori J Watkins, Teena J Banducci, Christopher D Bohnenkamp, Theodore G Shields, Cheryl J Ash, and Brandon D Banducci.(Lennington, Daniel) Modified on 5/20/2021 (tlf).
05/25/2021	8	RESPONSE to Motion filed by All Plaintiffs re 6 MOTION for Joinder . (Attachments: # 1 Certificate of Service)(Spitz, Katherine)
05/25/2021	9	RESPONSE to Motion filed by All Defendants re 6 MOTION for Joinder . (Attachments: # 1 Exhibit A - Report and Recommendation)(Newton, Emily) Modified exhibit text on 5/26/2021 (lh).
05/26/2021	10	NOTICE of Appearance by Christian R Larsen on behalf of All Defendants. Attorney(s) appearing: Chris R. Larsen (Larsen, Christian)
05/28/2021	11	NOTICE of Appearance by Emily Sue Newton on behalf of All Defendants. Attorney(s) appearing: Emily Sue Newton (Newton, Emily)
06/03/2021	12	MOTION for Temporary Restraining Order by All Plaintiffs. (Lennington, Daniel)
06/03/2021	13	MOTION for Preliminary Injunction by All Plaintiffs. (Lennington, Daniel)
06/03/2021	14	BRIEF in Support filed by All Plaintiffs re 13 MOTION for Preliminary Injunction , 12 MOTION for Temporary Restraining Order . (Attachments: # 1 Ex 1 FAUST, # 2 Ex 2 BAIRD, # 3 Ex 3 SLABA, # 4 Ex 4 STEVENS, # 5 Ex 5 SCHMITZ, # 6 Ex 6 ASH, # 7 Ex 7 BOHNENCAMP, # 8 Ex 8 WATKINS, # 9 Ex 9 BANDUCCI, # 10 Ex 10 SHIELDS)(Lennington, Daniel)

06/03/2021		NOTICE of Hearing on 12 MOTION for Temporary Restraining Order: Telephone conference set for 6/4/2021 03:30 PM before Judge William C Griesbach regarding the procedure for addressing this motion. The court will initiate the call and the parties have provided their telephone numbers for the conference. Any change in telephone contact information should be provided to the Office of the Clerk at wied_clerks_gb@wied.uscourts.gov (cc: all counsel)(tlf)
06/04/2021		NOTICE by the Court. The Telephone Conference scheduled for TODAY, 6/4/2021 at 3:30 pm has been CONVERTED to an ATT Conference Call. Instructions as follows: Participants are to call in to 1-888-273-3658, using Access Code 4416978, and Security Code 1234. Please be sure to call in prior to the time that the hearing is scheduled to begin so that there is no disruption to the court proceeding. To ensure a clear record of the hearing, participants should not use a speaker phone. Unless otherwise excused, all participants are expected to remain on the call for the duration of the conference. (lh)
06/04/2021	15	NOTICE of Appearance by Kyla Snow on behalf of All Defendants. Attorney(s) appearing: Kyla Marie Snow (Snow, Kyla)
06/04/2021	16	Minute Entry for proceedings held before Judge William C Griesbach: Telephone Conference held on 6/4/2021. Brief in opposition to 13 Motion for preliminary injunction due 6/18/2021, reply to be filed over the weekend. The government may file a response to the 12 Motion for temporary restraining order by 6/8/2021. (Tape #060421) (lh) (Entered: 06/07/2021)
06/08/2021	17	RESPONSE to Motion filed by All Defendants re 12 MOTION for Temporary Restraining Order . (Attachments: # 1 Exhibit A - Government's PI Opposition in Wynn v. Vilsack, # 2 Exhibit B - Cobb Declaration)(Newton, Emily)
06/09/2021	18	TEXT ONLY ORDER The Court will consider any reply brief in support of 12 MOTION for temporary restraining order filed on or before June 10, 2021, signed by Judge William C Griesbach on 06/09/2021. (cc: all counsel)(Griesbach, William)
06/09/2021	19	REPLY BRIEF in Support filed by All Plaintiffs re 12 MOTION for Temporary Restraining Order . (Lennington, Daniel)
06/10/2021	20	ORDER signed by Judge William C Griesbach on 6/10/2021 denying Cory Lea's 6 Motion for joinder. (cc: all counsel and via US Mail to Cory Lea)(Griesbach, William)
06/10/2021	21	ORDER signed by Judge William C Griesbach on 6/10/2021 granting Plaintiffs' 12 Motion for Temporary restraining order. Defendants are enjoined from forgiving any loans pursuant to Section 1005 until the Court rules on Plaintiffs' motion for preliminary injunction. (cc: all counsel)(Griesbach, William)
06/10/2021	22	NOTICE of Appearance by Randolph Chen on behalf of National Black Farmers Association. Attorney(s) appearing: Randolph T. Chen (Chen, Randolph)
06/10/2021	23	NOTICE of Appearance by Randolph Chen on behalf of Association of American Indian Farmers. Attorney(s) appearing: Randolph T. Chen (Chen, Randolph)
06/10/2021	24	Unopposed MOTION to File Amicus Brief <i>in Opposition to Plaintiffs' Motion for Preliminary Injunction</i> by Association of American Indian Farmers, National Black Farmers Association. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Chen, Randolph)

06/10/2021	25	DISCLOSURE Statement by National Black Farmers Association. (Chen, Randolph)
06/10/2021	26	DISCLOSURE Statement by Association of American Indian Farmers. (Chen, Randolph)

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PACER Login:	jfmitchel2273	Client Code:	Miller v. Vilsack
Description:	Docket Report	Search Criteria:	1:21-cv-00548-WCG
Billable Pages:	9	Cost:	0.90