

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

JARROD MCKINNEY,

Plaintiff,

v.

THOMAS J. VILSACK, in his official capacity
as Secretary of Agriculture,
et al.,

Defendants.

No. 2:21-cv-00212-RWS

**DEFENDANTS' REPLY IN SUPPORT OF MOTION
FOR ADMINISTRATIVE STAY OF BRIEFING DEADLINES**

Defendants have filed a motion to stay proceedings in this case pending final judgment in a related class action. ECF No. 24. Defendants also sought an administrative stay of existing deadlines pending the Court's ruling on the motion to stay proceedings. ECF No. 25. Plaintiff filed an opposition, ECF No. 26, and the Court ordered Defendants to file a Reply, ECF No. 27.

Plaintiff has given no persuasive reason for the Court to deny an administrative stay pending briefing and a decision on Defendants' motion to stay proceedings. As explained in Defendants' motion to stay proceedings, courts routinely stay proceedings during the pendency of related class actions. *See* Mot. to Stay 10–12. Such relief limits the risk of conflicting judgments, a risk that is especially heightened when the Plaintiff is a member of the already certified class whose claims are being litigated in the other proceedings. Such a stay also promotes efficiency and avoids needless expense to the Court and parties; that purpose would be frustrated by requiring the parties to continue litigating pending a ruling on the motion to stay.

Although Plaintiff appears to contest Defendants' position that Plaintiff will not be prejudiced by this administrative stay, he does not actually identify any way in which he will suffer prejudice. That

is because, as a result of the three existing preliminary injunctions, including the class-wide injunction which applies with respect to this Plaintiff, Plaintiff faces no conceivable imminent harm.

The Court should grant Defendants' motion for an administrative stay.

Dated: July 15, 2021

Respectfully submitted,

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LESLEY FARBY
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/s/ Michael F. Knapp
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2021, a copy of the foregoing motion to stay proceedings was filed electronically via the Court's ECF system, which effects service on counsel of record.

/s/Michael F. Knapp
Michael F. Knapp