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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

**KATHRYN DUNLAP and JAMES
DUNLAP,**

Plaintiffs,

v.

THOMAS J. VILSACK, in his official
capacity as U.S. Secretary of Agriculture; and
ZACH DUCHENEAUX, in his official
capacity as Administrator, Farm Services
Agency,

Defendants.

Civil Action No.2:21-cv-00942-SU

**DEFENDANTS' MOTION FOR
ADMINISTRATIVE STAY AND
MEMORANDUM IN SUPPORT**

EXPEDITED CONSIDERATION
REQUESTED

Defs.' Motion for Admin. Stay & Mem. in Support

Concurrent with this motion, Defendants filed a motion to stay proceedings in this case. ECF No. 16. Pending resolution of that motion, Defendants also respectfully request that the Court administratively stay the parties' upcoming deadlines pending resolution of Defendants' stay motion. Counsel for Defendants conferred with counsel for Plaintiffs, who indicated that Plaintiffs oppose this motion.

On June 4, 2021, Plaintiffs filed their Complaint for Declaratory and Injunctive relief, ECF No. 1, and served it by certified mail sent June 24, ECF No. 9. On June 29, 2021, Plaintiffs filed Plaintiffs' Motion for Preliminary Injunction Pursuant to FRCP 65, ECF No. 11, and served it by certified mail on June 30, ECF No. 14. Under Federal Rules of Civil Procedure 5(b)(2)(C) and 6(d), Defendants' response to the complaint is due August 27 and their opposition to the motion for preliminary injunction is due July 17.

As reflected in Defendants' motion to stay proceedings in this case, Defendants believe that in light of a class certified in the U.S. District Court for the Northern District of Texas to challenge Section 1005 of the American Rescue Plan Act ("ARPA") that would encompass and bind Plaintiff here, proceedings in this case should be stayed altogether. Pending the Court's decision on Defendants' larger stay motion, Defendants also respectfully request that the Court enter a brief administrative stay pending resolution of Defendants' stay motion and vacate the two existing deadlines. Additionally, Defendants respectfully request that, if the Court denies this motion for an administrative stay, it reset case deadlines for seven days from the date of such denial.

DATED: July 12, 2021

Respectfully submitted,

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/s/ Gary Feldon
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