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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 TO STAY
AND MEMORANDUM IN SUPPORT**

On July 12, Defendants filed a motion to stay proceedings in this case pending final judgment in a related class action. ECF No. 16. The same day, Defendants separately filed a motion seeking, on an expedited basis, a stay of Defendants' pending deadlines until the Court decides its motion to stay proceedings. ECF No. 17. Plaintiffs filed an Opposition the following day, ECF No. 24, to which Defendants now reply pursuant to Local Civil Rule of Civil Procedure 7-1(e)(2).

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* ECF No. 16 at 12-14. 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 Plaintiffs appear to contest Defendants' position that Plaintiffs will not be prejudiced by this administrative stay, they do not actually identify any way in which they will suffer prejudice. *See* ECF No. 24 at 2. Rather, they ask the Court to deny the administrative stay motion for reasons that Plaintiffs will disclose "in their forthcoming opposition to Defendants' Motion to Stay." *Id.* Defendants moved for an administrative delay with good grounds and relying on extensive legal precedent. Plaintiffs should have to rebut that with more than their own *ipse dixit* that reasons exist to do so. The only suggestion of a reason to deny the administrative stay in Plaintiffs' opposition is that the requested stay "would delay resolution of Plaintiffs' Motion for Preliminary Injunction." *Id.* However, as Defendants have already explained, the relief requested by that motion would be redundant of the multiple preliminary injunctions already protecting

Plaintiffs from any alleged harm. *See* ECF 16 at 2-3, 14-16. Thus, any delay in resolving the preliminary injunction motion would cause no actual prejudice to Plaintiffs. *See* Order 3, , *Faust v. Vilsack*, 1:21-cv-548, ECF No. 49 at 3-4 (E.D. Wis.) (“No purpose would be served by th[e] Court issuing another order granting (or denying) the same nationwide relief” because the plaintiffs had already received “the protection they seek” from “[t]he *Wynn* court issu[ing] the same nationwide injunction” that the *Faust* plaintiffs sought.).

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

DATED: July 15, 2021

Respectfully submitted,

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