

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS DIVISION

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RYAN KENT, MATTHEW A. MORTON,  
and JOSHUA A. MORTON, individuals,

Case No. 3:21-cv-00540-NJR

Plaintiffs,

v.

THOMAS J. VILSACK, in his official  
capacity as Secretary of Agriculture; ZACH  
DUCHENEAUX, in his official capacity as  
Administrator, Farm Service Agency,

Defendants.

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**PLAINTIFFS' OPPOSITION TO MOTION FOR ADMINISTRATIVE STAY PENDING  
RESOLUTION OF DEFENDANTS' STAY MOTION**

The Court should deny Defendants' motion for an administrative stay, ECF No. 16. Plaintiffs filed their complaint on June 7, 2021, alleging that Section 1005 of the American Rescue Plan Act of 2021 violates the United States Constitution by discriminating against farmers and ranchers on the basis of race. ECF No. 1. Defendants were served with the complaint and summons on June 11, *see* ECF No. 13, making their answer due August 10 under Federal Rule of Civil Procedure 12(a)(2).

Now, Defendants assert that this case should be put on hold indefinitely in deference to a class certification ruling by a federal court in Texas. *See* Defs.' Mot. to Stay Proceedings, ECF No. 15. Plaintiffs will respond to that assertion in their forthcoming Opposition, explaining that such a stay is unwarranted. But in the meantime, there is no need for the administrative stay that Defendants request in ECF No. 16. A federal district court in Wisconsin recently denied an identical motion by Defendants for an administrative stay in another challenge to Section 1005.

*See Faust v. Vilsack*, 1:21-cv-00548 (E.D. Wis. July 13, 2021), ECF No. 55 (“TEXT ONLY ORDER DENYING 52 Motion to Stay the parties[’] upcoming deadlines . . .”). This Court should do likewise. The only pending deadline in this case is Defendants’ answer, which will not be due for nearly a month. This Court will therefore have sufficient time to receive briefing and rule on Defendants’ stay motion without the need for an administrative stay of all proceedings.

Defendants’ Motion for an Administrative Stay Pending Resolution of Defendants’ Stay Motion should be denied.

DATED: July 15, 2021.

Respectfully submitted,

PACIFIC LEGAL FOUNDATION

s/ Glenn E. Roper

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2021, I submitted the foregoing to the Clerk of the Court via the District Court's CM/ECF system, which will provide notice of the submission of this document to all counsel of record.

s/ Glenn E. Roper  
Glenn E. Roper

*Attorney for Plaintiffs*