

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

Ryan KENT, *et al.*,

Plaintiffs,

v.

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

Defendants.

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

**TIME SENSITIVE**  
**DEFENDANTS' MOTION FOR ADMINISTRATIVE STAY**  
**OF ANSWER DEADLINE**

Concurrent with this motion, Defendants filed a motion to stay proceedings in this case. ECF No. 15. Defendants also respectfully request that the Court enter an administrative stay to suspend 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.

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 Plaintiffs 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 current deadlines, including Defendants' August 10, 2021, deadline to answer or otherwise respond to Plaintiffs' Complaint.

Good cause exists to grant this temporary stay. As set forth in Defendants' motion to stay proceedings, Plaintiffs' lawsuit is duplicative of other litigation proceeding on their behalf. Although

Plaintiffs oppose Defendants' motion for a stay, an administrative stay pending resolution of that motion is appropriate to avoid potentially needless expense to the parties and the Court related to this litigation. Should the Court ultimately deny Defendants' separate motion to stay proceedings, it can set an appropriate time period for Defendants to file their answer or other response.

Plaintiffs will not be prejudiced by this administrative stay, as three district courts have already entered nationwide or class-wide preliminary injunctions enjoining Defendants from making payments under § 1005. *See* Order on Class Cert. & PI, *Miller*, ECF No. 60; PI Order, *Holman v. Vilsack*, 1:21-cv-1085 (W.D. Tenn.), ECF No. 41; Order, *Wynn v. Vilsack*, 3:21-cv-514 (M.D. Fla.), ECF No. 41. Accordingly, Defendants respectfully request that the Court stay all deadlines in this case pending resolution of Defendants' motion to stay proceedings.

Dated: July 14, 2021

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

LESLEY FARBY  
Assistant Branch Director

/s/ Michael F. Knapp  
EMILY SUE NEWTON (VA Bar No. 80745)  
Senior Trial Counsel  
MICHAEL F. KNAPP (Cal. Bar No. 314104)  
KYLA M. SNOW  
GARY D. FELDON  
Trial Attorneys  
Federal Programs Branch  
U.S. Department of Justice, Civil Division  
1100 L Street, NW Rm. 12008  
Washington, DC 20530  
Telephone: (202) 514-2071  
Fax: (202) 616-8470  
Email: [michael.f.knapp@usdoj.gov](mailto:michael.f.knapp@usdoj.gov)

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 14, 2021, I electronically filed the foregoing brief using the Court's CM/ECF system, causing a notice of filing to be served upon all counsel of record.

Dated: July 14, 2021

/s/ Michael F. Knapp  
Michael F. Knapp