

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SCOTT WYNN, an individual,

Plaintiff,

v.

TOM VILSACK, in his official capacity as
U.S. Secretary of Agriculture; ZACH
DUCHENEAUX, in his official capacity
as Administrator, Farm Service Agency,

Defendants.

Civil Action

No. 3:21-cv-00514-MMH-JRK

**PLAINTIFF’S OPPOSITION TO DEFENDANTS’ MOTION FOR
AN ADMINISTRATIVE STAY PENDING RESOLUTION OF
DEFENDANTS’ STAY MOTION**

This Court should deny Defendants’ eleventh-hour motion for an administrative stay. The Complaint was filed on May 18, 2021, ECF No. 1, after which the parties spent substantial time briefing Plaintiff’s Motion for a Preliminary Injunction, ECF No. 11 (May 25, 2021). This Court was the first court to grant a preliminary injunction in a challenge to the constitutionality of Section 1005. *See* Order Granting Plaintiff’s Motion for Preliminary Injunction, ECF No. 41 (June 23, 2021). In that Order, the Court directed “the parties to proceed with the greatest of

speed in reaching a final adjudication” and ordered the parties to “immediately present the Court with a proposed schedule to complete any discovery that may be required on an expedited basis as well as a swift deadline for the submission of dispositive motions.” *Id.* at 48. The parties subsequently filed their proposed schedules, ECF No. 42, and the Court promptly issued a scheduling order, which requires (among other things) that Defendants answer the Complaint on or before July 14, 2021. *See* ECF No. 43.

Defendants now claim that the entire case should be put on hold in deference to a court in another jurisdiction. As Plaintiff intends to explain in his forthcoming opposition, a stay is unwarranted. Nor is there a need for the requested administrative stay, which would only have the practical effect of delaying the filing of Defendants’ answer. That answer, which is due in two days, may provide information relevant to Plaintiff’s opposition to Defendants’ Motion for a Stay, and may guide Plaintiff’s decision on whether to file a Motion for Judgment on the Pleadings.

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

DATED: July 12, 2021.

Respectfully submitted,

PACIFIC LEGAL FOUNDATION

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Attorneys for Plaintiff

*Special admission

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 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/ Wencong Fa
Wencong Fa*
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* Special Admission