

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

STATE OF MISSOURI, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States, *et
al.*,

Defendants.

Case No. 4:21-CV-01329-MTS

CONSENT MOTION TO STAY PROCEEDINGS

The Defendants respectfully move to stay further proceedings in the district court during the pendency of the Defendants' appeal of this Court's order granting the Plaintiffs' motion for a preliminary injunction. The undersigned counsel has consulted with counsel for the Plaintiffs, who has confirmed that the Plaintiffs consent to the relief requested in this motion.

1. On November 12, 2021, the Plaintiffs filed a motion for a preliminary injunction. ECF No. 6. The Defendants opposed the motion. ECF No. 23. This Court granted the Plaintiffs' motion on November 29, 2021. ECF No. 28.

2. The Defendants filed a notice of appeal of this Court's order to the United States Court of Appeals for the Eighth Circuit. ECF No. 29. The Defendants moved for a stay of the injunction before this Court and before the Eighth Circuit; both courts denied the motion for a stay. ECF No. 35, ECF No. 38.

3. The Defendants have filed an application in the Supreme Court for a stay of the injunction during the pendency of the appeal and of any proceedings in the Supreme Court. *Biden*,

et al. v. Missouri, et al., No. 21A240 (U.S. application filed Dec. 16, 2021). That application remains pending before the Supreme Court.

4. The parties agree that the Eighth Circuit’s decision on appeal, as well as the Supreme Court’s decision on the application for a stay, are likely to guide further proceedings in this case, and that staying district court proceedings pending the appeal will preserve the resources of the parties and this Court. *See Landis v. North Am. Co.*, 299 U.S. 248, 254–55 (1936) (A district court’s “power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”); *see also Seefeldt v. Ent. Consulting Int’l, LLC*, No. 4:19-CV-00188-MTS, 2020 WL 4922371, at *1 (E.D. Mo. Aug. 21, 2020).

For these reasons, the Defendants respectfully request that the Court stay proceedings in the district court during the pendency of the Defendants’ appeal of this Court’s preliminary injunction order.

Dated: December 22, 2021

Respectfully submitted,

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