

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

STATE OF MISSOURI, et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN, et al.

Defendants.

No. 4:21-cv-01300-DDN

UNOPPOSED MOTION TO STAY DISTRICT COURT PROCEEDINGS
PENDING APPEAL

Defendants submit this unopposed request that this Court stay further proceedings in this matter pending final resolution of Defendants' appeal from the Court's Opinion and Order granting Plaintiffs' motion for a preliminary injunction, Doc. 36. As counsel for Plaintiffs indicated during the status conference on January 7, 2022, Plaintiffs do not oppose this request.¹

On December 20, 2021, the Court granted Plaintiffs' motion for a preliminary injunction and issued an order enjoining the Federal Government "from enforcing the vaccine mandate for federal contractors and subcontractors in all covered contracts in Missouri, Nebraska, Alaska, Arkansas, Iowa, Montana, New Hampshire, North Dakota, South Dakota, and Wyoming." Doc. 36. Defendants noticed their appeal of the Court's Opinion and Order on January 14, 2022. *See* Doc. 43. The parties are currently obligated to submit a Joint Proposed Scheduling Plan by January 14, 2022. Doc. 40.

Defendants respectfully suggest that a stay of proceedings pending the final resolution of Defendants' appeal will both promote judicial economy and preserve the resources of the parties

¹ Counsel for Defendants also spoke separately with Plaintiffs' counsel, who confirmed that Plaintiffs do not oppose a stay of district court proceedings pending appeal.

and this Court. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (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.”). Defendants’ appeal implicates important legal issues that the parties and the Court will likely have to address in future proceedings, including the scope of the President’s authority under the Federal Property and Administrative Services Act. *See* Doc. 36, at 6. An appellate decision on that issue (and others) will thus likely provide the Court and the parties significant aid in the ultimate resolution of this case. Furthermore, this proposed stay is of a limited and definite duration that will not cause undue delay in the resolution of this case.

Accordingly, Defendants respectfully request that the Court grant this unopposed motion and stay further district court proceedings in this matter until the parties have exhausted appellate proceedings.

DATED: January 14, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

BRAD P. ROSENBERG
Assistant Director

/s/ Zachary A. Avallone
VINITA ANDRAPALLIYAL
ZACHARY A. AVALLONE
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, D.C. 20005
(202) 514-2705
Zachary.a.avallone@usdoj.gov

Counsel for Defendants