

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

SCOTT WYNN, an individual,

Plaintiff,

v.

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

Defendants.

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

DEFENDANTS' STATUS REPORT

In accordance with the Court's December 7, 2021, Order, ECF No. 84, Defendants respectfully submit this status report.

1. Plaintiff in this action challenges Section 1005 of the American Rescue Plan Act of 2021. Because Plaintiff is a member of classes certified by the District Court for the Northern District of Texas in *Miller v. Vilsack*, 4:21-cv-595 (N.D. Tex.), that similarly challenge the same statutory provision, Defendants moved for, and the Court granted, a stay of this action pending the outcome of the *Miller* litigation. *See* ECF No. 84 (Dec. 7, 2021).
2. Plaintiff had previously moved in the *Miller* litigation to opt out of the certified classes. *See* Motion to Opt Out of Certified Classes, *Miller*, ECF No. 78 (Sept. 3, 2021). The *Miller* court denied the motion, and Plaintiff remains

- a member of the *Miller* classes. *See* Order, *Miller*, ECF No. 100 (Oct 13, 2021).
3. On October 12, 2021, the Federation of Southern Cooperatives/Land Assistance Fund (the Federation) moved to intervene as a defendant in *Miller*. *See* Mot. to Intervene, *Miller*, ECF No. 93 (Oct. 12, 2021). The district court denied the motion to intervene, *see* Order, *Miller*, ECF No. 143 (Dec. 8, 2021), and the Federation appealed, Notice of Appeal, *Miller*, ECF No. 147 (Dec. 17, 2021). On March 24, 2022, the Fifth Circuit reversed, *see* Opinion of the Fifth Circuit, *Miller*, ECF No. 180 (March 28, 2022), and the district court accordingly permitted the Federation to intervene, *see* Order, *Miller*, ECF No. 185 (April 5, 2022).
 4. To accommodate the Federation's participation as a party, the district court amended its scheduling order. *See* Order, *Miller*, ECF No. 186 (April 5, 2022); *see also* Order, *Miller*, ECF No. 196 (April 22, 2022) (denying motion to reconsider schedule). Under the terms of that schedule, summary judgment briefing will be complete on August 2, 2022.

Dated: May 9, 2022

Respectfully submitted,

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LESLEY FARBY
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/s/ Michael F. Knapp
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Counsel for Defendants

Certificate of Service

I hereby certify that on May 9, 2022, a copy of the foregoing Status Report was filed electronically via the Court's ECF system, which effects service on counsel of record.

/s/ Michael F. Knapp
MICHAEL F. KNAPP
U.S. Department of Justice