

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

SARA ROGERS,

*Plaintiff,*

v.

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

*Defendants.*

No. 2:21-cv-01779-DDD-SKC

**JOINT STATUS REPORT**

Pursuant to this Court's March 31, 2022, Order staying this case pending resolution of *Miller v. Vilsack*, No. 4:21-cv-595-O (N.D. Tex.), ECF No. 36, the parties submit this status report updating the Court on (1) the status of *Miller v. Vilsack*, and (2) the continued need for a stay.

1. Plaintiff challenges Section 1005 of the American Rescue Plan Act of 2021. Because this Court held in its March 31 Order that Plaintiff is a member of the classes certified in the first-filed case, *Miller v. Vilsack*, bringing the same challenge to Section 1005, the Court granted Defendants' request for a stay of this action pending resolution of the *Miller* litigation. ECF No. 36.

2. The *Miller* class litigation remains ongoing. In that litigation, on March 11, 2022, the Plaintiffs and Defendants filed cross-motions for summary judgment. After that date, additional parties were allowed to intervene, and the summary-judgment schedule was reset. The parties are currently scheduled to complete summary-judgment briefing by August 2, 2022.

3. Plaintiff remains a member of the classes certified in the *Miller* class litigation. Thus, while the parties previously disputed the appropriateness of a stay in this case, there is

presently no change in circumstances that would be likely to cause the Court to revisit its March 31, 2022, decision to enter a stay pending resolution of the *Miller* class litigation.

4. Plaintiff reserves the right to seek an order lifting the stay in this case, should the *Miller v. Vilsack* litigation be further delayed, or if material circumstances otherwise change.

Dated: June 30, 2022

Respectfully submitted,

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*Counsel for Defendants*

*Counsel hereby certify that the foregoing pleading complies with the type-volume limitation set forth in Judge Domenico's Practice Standard III(A)(1).*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2022, a copy of the foregoing motion was filed electronically via the Court's ECF system, which effects service on counsel of record.

/s/ Kyla M. Snow

KYLA M. SNOW

United States Department of Justice