

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

SID MILLER et al., on behalf of themselves
and others similarly situated,

Plaintiffs,

v.

TOM VILSACK, in his official capacity as
Secretary of Agriculture,

Defendant

and

FEDERATION OF SOUTHERN
COOPERATIVES/LAND ASSISTANCE
FUND; NATIONAL BLACK FARMERS
ASSOCIATION (NBFA); and ASSOCIATION
OF AMERICAN INDIAN FARMERS (AAIF),

Intervenor Defendants.

Civil Action No. 4:21-cv-00595-O

**UNOPPOSED MOTION TO STAY SUMMARY JUDGMENT RESPONSE
DEADLINE**

Intervenor Defendant Federation of Southern Cooperatives/Land Assistance Fund (the “Federation”) respectfully requests that the Court stay the parties’ August 16, 2022 deadline for responses to the pending motions for summary judgment for one week in light of legislation

currently before Congress that would repeal Section 1005 of the American Rescue Plan, the statute Plaintiffs challenge in this lawsuit.

On July 18, 2022, the parties and intervenors filed cross motions for summary judgment. ECF Nos. 217, 220, and 224. At Plaintiffs' request, on July 27, 2022, the Court extended the deadline for all parties' responses to these motions to August 16, 2022. ECF No. 230.

On August 7, 2022, the United States Senate voted to pass the Inflation Reduction Act of 2022. H.R. 5376, as amended, 117th Cong. (2022). The Inflation Reduction Act repeals Section 1005 of the American Rescue Plan Act. *Id.* at § 22008 ("Section 1005 of the American Rescue Plan Act of 2021 (7 U.S.C. 1921 note; Public Law 117–2) is repealed.").

The United States House of Representatives is expected to vote on the Inflation Reduction Act, including the proposed repeal of Section 1005, on August 12, 2022.¹ If the House of Representatives votes to pass the Inflation Reduction Act, it is expected to be enacted into law the week of August 15, 2022.

In light of the proposed repeal of Section 1005, the Federation respectfully asks the Court to stay this deadline for one week. A brief stay would prevent the parties and the Court from having to expend resources on motions that may become moot by newly enacted legislation as soon as next week.

The Federation has conferred with counsel for the other parties. None of the parties oppose this request.

Dated: August 10, 2022

Respectfully submitted,

/s/ Chase J. Cooper

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¹ *Text of Bills for the Week of August 8, 2022*, Bills to Be Considered on the House Floor, available at <https://docs.house.gov/floor/Default.aspx?date=2022-08-08> (last visited August 10, 2022).

P: 214-453-6500

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CERTIFICATE OF CONFERENCE

I certify that counsel for the Federation conferred with Michael Knapp and Kyla Snow, counsel for Secretary Vilsack, Jonathan Mitchell, counsel for Plaintiffs, and David Muraskin, counsel for National Black Farmers Association and the Association of American Indian Farmers, each of whom informed me that the parties they represent are unopposed to the request for stay sought in this motion.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed via the court's CM/ECF system on August 10, 2022, which will serve all counsel of record.

/s/ Chase J. Cooper

Chase J. Cooper

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**[PROPOSED] ORDER GRANTING UNOPPOSED MOTION TO STAY SUMMARY
JUDGMENT RESPONSE DEADLINE**

The Federation's motion to stay the deadline for all parties to respond to the motions for summary judgment is GRANTED. The deadline for all parties to file their responses to motions for summary judgment is stayed until August 23, 2022.

HON. REED O'CONNOR

UNITED STATES DISTRICT JUDGE

Dated: _____