

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

ROBERT HOLMAN,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-01085-STA-jay
)	
THOMAS J. VILSACK, in his official capacity as Secretary of Agriculture; and ZACH DUCHENEAUX, in his official capacity as Administrator of the Farm Service Agency,)	
)	
Defendants.)	

**DEFENDANTS’ NOTICE OF REPEAL OF ARPA SECTION 1005 AND
DISMISSAL OF RELATED CLASS ACTION**

Defendants Thomas J. Vilsack, in his official capacity as Secretary of Agriculture, and Zach Ducheneaux, in his official capacity as Administrator of the Farm Service Agency (together, “Defendants”), hereby notify the Court of the recent repeal of Section 1005 of the American Rescue Plan Act (ARPA) and the dismissal of the class action *Miller v. Vilsack*, 4:21-cv-595 (N.D. Tex.). On June 2, 2021, Plaintiff Robert Holman initiated this action, challenging Section 1005 of the American Rescue Plan Act on equal protection grounds. Compl., ECF No. 1. On June 30, 2021, the court in *Miller* certified two classes bringing materially identical equal protection challenges to Section 1005. Because Plaintiff is a member of those classes, Defendants moved for, and the Court eventually granted, a stay of this action pending resolution of the *Miller* litigation. Order, ECF No. 79.

On August 16, 2022, the President signed into law the Inflation Reduction Act of 2022. <https://www.congress.gov/117/bills/hr5376/BILLS-117hr5376enr.pdf>. Section 22008 of the Act expressly repeals Section 1005 of ARPA and thus moots the actions challenging Section 1005.

On August 29, 2022, in light of the repeal of Section 1005, the parties in the *Miller* action stipulated to dismissal of the action because “the constitutional challenge to Section 1005 is moot.” See Joint Stipulation of Dismissal, ECF No. 236, *Miller*, 4:21-cv-595 (attached as Ex. A). The *Miller* court subsequently terminated the case. See August 30, 2022 docket entry, *id.*

The parties are conferring on next steps in the case. If Plaintiff does not voluntarily dismiss or stipulate to dismissal of the case by September 15, 2022, Defendants will move to dismiss this case as moot on that date.

Dated: September 6, 2022

Respectfully submitted,

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Counsel for Defendants

Exhibit A

Joint Stipulation of Dismissal

ECF No. 236, Miller v. Vilsack, No. 4:21-cv-595 (N.D. Tex.)

August 29, 2022

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

Sid Miller, et al.,

Plaintiffs,

v.

Tom Vilsack, in his official capacity as
Secretary of Agriculture,

Defendant,

and

**Federation of Southern
Cooperatives/Land Assistance Fund,**
et al.

Intervenors.

Case No. 4:21-cv-00595-O

JOINT STIPULATION OF DISMISSAL

The parties stipulate to dismiss this action without prejudice. *See* Fed. R. Civ. P. 41. The parties agree the constitutional challenge to Section 1005 is moot. Notice to the class is not necessary because the dismissal is without prejudice and does not bind the members of the class. *See* Fed. R. Civ. P. 23(e).

Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that on August 29, 2022, I served this document through CM/ECF upon:

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