

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' MOTION FOR AN ADMINISTRATIVE STAY
PENDING RESOLUTION OF DEFENDANTS' STAY MOTION**

Concurrent with this motion, Defendants filed a motion to stay proceedings in this case. ECF No. 44. Pending resolution of that motion, Defendants also respectfully request that the Court enter an administrative stay to stay the parties' upcoming deadlines to file an Answer and exchange initial disclosures. Counsel for Defendants conferred with counsel for Plaintiff, who indicated that Plaintiff opposes this motion.

On July 8, 2021, the Court entered a scheduling order to govern resolution of this case on the merits. ECF No. 43. Under that order, Defendants' Answer is due July 14, 2021, and the parties' initial disclosures are due July 21, 2021. As reflected in Defendants' motion to stay proceedings in this case, Defendants believe that in light of a class certified in the U.S. District Court for the Northern District of Texas to challenge Section 1005 of the American Rescue Plan Act ("ARPA") that would encompass and bind Plaintiff here, proceedings in this case should be stayed altogether. Pending the Court's decision on Defendants' larger motion to stay all case

proceedings, Defendants also respectfully request that the Court enter a brief administrative stay pending resolution of Defendants' stay motion and vacate Defendants' July 14, 2021, deadline to answer the complaint, and the parties' July 21, 2021, deadline to exchange initial disclosures. Additionally, Defendants respectfully request that if the Court denies this motion for an administrative stay that it reset the Answer deadline for two days from the date of such denial and the initial disclosures for nine days from the date of such denial.

Dated: July 12, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

LESLEY FARBY
Assistant Branch Director
Civil Division, Federal Programs Branch

/s/ Kyla M. Snow
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Counsel for Defendants

Local Rule 3.01(g) Certification

Counsel for Defendants certify that they have conferred with Plaintiff's counsel by phone, and Plaintiff opposes the motion to administratively stay upcoming deadlines pending resolution of Defendants' motion to stay proceedings.

/s/ Kyla M. Snow
KYLA M. SNOW
Trial Attorney, U.S. Department of Justice

Certificate of Service

I hereby certify that on July 12, 2021, 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
Trial Attorney, U.S. Department of Justice