

**United States District Court
Eastern District of Wisconsin (Green Bay)
CIVIL DOCKET FOR CASE #: 1:21-cv-00548-WCG**

Faust et al v. Vilsack et al
Assigned to: Judge William C Griesbach
Cause: 05:702 Administrative Procedure Act

Date Filed: 04/29/2021
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Adam P Faust

represented by **Katherine D Spitz**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

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Defendant

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**North Carolina Association of
Black Lawyers Land Loss
Prevention Project**

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**Natural Resources Defense
Council Inc**

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National Sharecroppers Fund Inc**

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**National Latino Farmers and
Ranchers Trade Association**

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American Indian Mothers Inc

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**Arkansas Land and Farm
Development Corporation**

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Cottage House Inc

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Family Farm Defenders

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**Kansas Black Farmers
Association**

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**National Young Farmers
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**Oklahoma Black Historical
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**Texas Coalition of Rural
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Community Farm Alliance
also known as
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Network**

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Steward Holdings Inc

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V.

Movant

Corey Lea
TERMINATED: 06/10/2021

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Movant

Lee Perry

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Date Filed	#	Docket Text
04/29/2021	<u>1</u>	COMPLAINT against All Defendants by Jay T. Slaba, Adam P. Faust, Jon Stevens, Christopher C. Baird, Joseph W. Schmitz. (Filing Fee PAID \$402 receipt number AWIEDC-3805205) (Attachments: # <u>1</u> Summons Summons Vilsack, # <u>2</u> Summons Summons Ducheneaux, # <u>3</u> Civil Cover Sheet Civil Cover Sheet)(Lennington, Daniel)
04/29/2021		NOTICE Regarding assignment of this matter to Judge William C Griesbach; Consent/refusal forms for Magistrate Judge Joseph to be filed within 21 days; the consent/refusal form is available here . Pursuant to Civil Local Rule 7.1 a disclosure statement is to be filed upon the first filing of any paper and should be filed now if not already filed. (jcl)
04/29/2021		NOTICE of Electronic Filing Error re <u>1</u> Complaint. The description of the attachments contains duplicate text. In the future, when attaching documents to the main document you may select a description from the category drop-down list but then you should not repeat that word in the description text box. This document does not need to be re-filed. Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (tlf)
04/29/2021		Summons Issued as to Zack Duchaneaux and Thomas J Vilsack. (tlf)
05/03/2021	<u>2</u>	NOTICE of Appearance by Daniel P Lennington on behalf of All Plaintiffs. Attorney(s) appearing: Richard M. Esenberg (Lennington, Daniel)
05/03/2021	<u>3</u>	NOTICE of Appearance by Daniel P Lennington on behalf of All Plaintiffs. Attorney(s) appearing: Luke N. Berg (Lennington, Daniel)
05/03/2021	<u>4</u>	NOTICE of Appearance by Daniel P Lennington on behalf of All Plaintiffs. Attorney(s) appearing: Katherine D. Spitz (Lennington, Daniel)
05/04/2021	<u>5</u>	DISCLOSURE Statement by All Plaintiffs. (Lennington, Daniel)
05/04/2021	<u>6</u>	MOTION for Joinder as a Plaintiff and CROSSCLAIM against Plaintiffs Faust, Baird, Stevens, Slaba and Schmitz by Corey Lea. (tlf)
05/19/2021	<u>7</u>	AMENDED COMPLAINT against All Defendants adding parties James C Ash, Lori J Watkins, Teena J Banducci, Christopher D Bohnenkamp, Theodore G Shields, Cheryl J Ash, and Brandon D Banducci.(Lennington, Daniel) Modified on 5/20/2021 (tlf).
05/25/2021	<u>8</u>	RESPONSE to Motion filed by All Plaintiffs re <u>6</u> MOTION for Joinder . (Attachments: # <u>1</u> Certificate of Service)(Spitz, Katherine)

05/25/2021	9	RESPONSE to Motion filed by All Defendants re 6 MOTION for Joinder . (Attachments: # 1 Exhibit A - Report and Recommendation)(Newton, Emily) Modified exhibit text on 5/26/2021 (lh).
05/26/2021	10	NOTICE of Appearance by Christian R Larsen on behalf of All Defendants. Attorney(s) appearing: Chris R. Larsen (Larsen, Christian)
05/28/2021	11	NOTICE of Appearance by Emily Sue Newton on behalf of All Defendants. Attorney(s) appearing: Emily Sue Newton (Newton, Emily)
06/03/2021	12	MOTION for Temporary Restraining Order by All Plaintiffs. (Lennington, Daniel)
06/03/2021	13	MOTION for Preliminary Injunction by All Plaintiffs. (Lennington, Daniel)
06/03/2021	14	BRIEF in Support filed by All Plaintiffs re 13 MOTION for Preliminary Injunction , 12 MOTION for Temporary Restraining Order . (Attachments: # 1 Ex 1 FAUST, # 2 Ex 2 BAIRD, # 3 Ex 3 SLABA, # 4 Ex 4 STEVENS, # 5 Ex 5 SCHMITZ, # 6 Ex 6 ASH, # 7 Ex 7 BOHNENCAMP, # 8 Ex 8 WATKINS, # 9 Ex 9 BANDUCCI, # 10 Ex 10 SHIELDS)(Lennington, Daniel)
06/03/2021		NOTICE of Hearing on 12 MOTION for Temporary Restraining Order: Telephone conference set for 6/4/2021 03:30 PM before Judge William C Griesbach regarding the procedure for addressing this motion. The court will initiate the call and the parties have provided their telephone numbers for the conference. Any change in telephone contact information should be provided to the Office of the Clerk at wied_clerks_gb@wied.uscourts.gov (cc: all counsel)(tlf)
06/04/2021		NOTICE by the Court. The Telephone Conference scheduled for TODAY, 6/4/2021 at 3:30 pm has been CONVERTED to an ATT Conference Call. Instructions as follows: Participants are to call in to 1-888-273-3658, using Access Code 4416978, and Security Code 1234. Please be sure to call in prior to the time that the hearing is scheduled to begin so that there is no disruption to the court proceeding. To ensure a clear record of the hearing, participants should not use a speaker phone. Unless otherwise excused, all participants are expected to remain on the call for the duration of the conference. (lh)
06/04/2021	15	NOTICE of Appearance by Kyla Snow on behalf of All Defendants. Attorney(s) appearing: Kyla Marie Snow (Snow, Kyla)
06/04/2021	16	Minute Entry for proceedings held before Judge William C Griesbach: Telephone Conference held on 6/4/2021. Brief in opposition

		to 13 Motion for preliminary injunction due 6/18/2021, reply to be filed over the weekend. The government may file a response to the 12 Motion for temporary restraining order by 6/8/2021. (Tape #060421) (lh) (Entered: 06/07/2021)
06/08/2021	17	RESPONSE to Motion filed by All Defendants re 12 MOTION for Temporary Restraining Order . (Attachments: # 1 Exhibit A - Government's PI Opposition in Wynn v. Vilsack, # 2 Exhibit B - Cobb Declaration)(Newton, Emily)
06/09/2021	18	TEXT ONLY ORDER The Court will consider any reply brief in support of 12 MOTION for temporary restraining order filed on or before June 10, 2021, signed by Judge William C Griesbach on 06/09/2021. (cc: all counsel)(Griesbach, William)
06/09/2021	19	REPLY BRIEF in Support filed by All Plaintiffs re 12 MOTION for Temporary Restraining Order . (Lennington, Daniel)
06/10/2021	20	ORDER signed by Judge William C Griesbach on 6/10/2021 denying Cory Lea's 6 Motion for joinder. (cc: all counsel and via US Mail to Cory Lea)(Griesbach, William)
06/10/2021	21	ORDER signed by Judge William C Griesbach on 6/10/2021 granting Plaintiffs' 12 Motion for Temporary restraining order. Defendants are enjoined from forgiving any loans pursuant to Section 1005 until the Court rules on Plaintiffs' motion for preliminary injunction. (cc: all counsel)(Griesbach, William) (lh).
06/10/2021	22	NOTICE of Appearance by Randolph Chen on behalf of National Black Farmers Association. Attorney(s) appearing: Randolph T. Chen (Chen, Randolph)
06/10/2021	23	NOTICE of Appearance by Randolph Chen on behalf of Association of American Indian Farmers. Attorney(s) appearing: Randolph T. Chen (Chen, Randolph)
06/10/2021	24	Unopposed MOTION to File Amicus Brief <i>in Opposition to Plaintiffs' Motion for Preliminary Injunction</i> by Association of American Indian Farmers, National Black Farmers Association. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Chen, Randolph) (Additional attachment(s) added on 6/16/2021: # 5 Proposed Amicus Brief) (tlf).
06/10/2021	25	DISCLOSURE Statement by National Black Farmers Association. (Chen, Randolph)

06/10/2021	26	DISCLOSURE Statement by Association of American Indian Farmers. (Chen, Randolph)
06/14/2021	27	MOTION for Leave to File <i>Response Brief in Excess of 30 Pages</i> by All Defendants. (Attachments: # 1 Text of Proposed Order)(Snow, Kyla)
06/15/2021	28	RESPONSE to Motion filed by All Plaintiffs re 27 MOTION for Leave to File <i>Response Brief in Excess of 30 Pages</i> . (Lennington, Daniel)
06/15/2021	29	NOTICE of Appearance by Jessica L Culpepper on behalf of Association of American Indian Farmers. Attorney(s) appearing: Jessica L. Culpepper (Culpepper, Jessica)
06/15/2021	30	NOTICE of Appearance by Jessica L Culpepper on behalf of National Black Farmers Association. Attorney(s) appearing: Jessica L. Culpepper (Culpepper, Jessica)
06/15/2021	31	NOTICE of Appearance by David S Muraskin on behalf of Association of American Indian Farmers. Attorney(s) appearing: David S. Muraskin (Muraskin, David)
06/15/2021	32	NOTICE of Appearance by David S Muraskin on behalf of National Black Farmers Association. Attorney(s) appearing: David S. Muraskin (Muraskin, David)
06/15/2021	33	TEXT ONLY ORDER GRANTING 27 Motion for Leave to File Response Brief in Excess of 30 Pages, filed by Zach Ducheneaux and Thomas J Vilsack, signed by Judge William C Griesbach on 06/15/2021. Defendants' brief in response to Plaintiffs' motion for preliminary injunction shall not exceed 40 pages. Plaintiffs' time to file a reply brief is extended to June 23, 2021, and the reply brief shall not exceed 20 pages. (cc: all counsel)(Griesbach, william)
06/18/2021	34	MOTION to Intervene <i>Conditionally</i> and MEMORANDUM IN SUPPORT by Association of American Indian Farmers, National Black Farmers Association. (Attachments: # 1 J. Boyd Declaration, # 2 K. Boyd Declaration, # 3 Williams Declaration, # 4 Lewis Declaration, # 5 Proposed Answer)(Muraskin, David) Modified on 6/21/2021 (tlf).
06/18/2021	35	RESPONSE to Motion filed by All Defendants re 13 MOTION for Preliminary Injunction . (Attachments: # 1 Exhibit A)(Newton, Emily)
06/21/2021	36	TEXT ONLY ORDER GRANTING 24 Unopposed MOTION to file amicus brief in opposition to Plaintiffs' motion for preliminary injunction, filed by Association of American Indian Farmers and National Black Farmers Association, signed by Judge William C Griesbach on 06/21/2021. The Clerk is directed to detach and e-file the

		amicus brief (Dkt. No. 24-5) as well as the supporting declarations (Dkt. No. 24-1, 24-2, 24-3 & 24-4). (cc: all counsel)(Griesbach, William)
06/21/2021		NOTICE of Electronic Filing Error re 35 Response to Motion. All attachments to documents should include a brief description of the attachment - Ex A - Initial Contract, Ex B - Doe Deposition, Ex C - 2006 Sales Figures, etc. This document does not need to be refiled.; Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (tlf)
06/21/2021	37	AMICUS BRIEF filed by Association of American Indian Farmers, National Black Farmers Association. (Attachments: # 1 Ex 1 - Declaration of John Boyd, Jr, # 2 Ex 2 - Declaration of Kara Boyd, # 3 Ex 3 - Declaration of Ivan Isidore Williams, # 4 Ex 4 - Declaration of Shade Marshall Lewis)(tlf)
06/21/2021	38	MOTION to Intervene by Lee Perry. (tlf)
06/23/2021	39	NOTICE of Appearance by Keisha Stokes-Hough on behalf of Rural Coalition, Intertribal Agriculture Council (IAC), North Carolina Association of Black Lawyers Land Loss Prevention Project (LLPP), Natural Resources Defense Council, Inc. (NRDC), Rural Advancement Fund of the National Sharecroppers Fund, Inc. (RAF), National Latino Famers and Ranchers Trade Association (NLFRTA), American Indian Mothers, Inc. (AIMI), Arkansas Land and Farm Development Corporation (ALFDC), Cottage House, Inc. (CHI), Family Farm Defenders (FFD), Kansas Black Farmers Association (KBFA), Land Stewardship Project (LSP), National Young Farmers Coalition (Young Farmers), Oklahoma Black Historical Research Project, Inc., Operation Spring Plant, Inc., Texas Coalition of Rural Landowners, World Farmers, Farm Aid, HEAL (Health, Environment, Agriculture, Labor) Food Alliance, National Family Farm Coalition (NFFC), Rural Advancement Foundation International-USA (RAFI-USA), National Sustainable Agriculture Coalition (NSAC), California FarmLink, Community Farm Alliance (CFA), Woman, Food & Agriculture Network (WFAN), Steward Holdings, Inc. (US). Attorney(s) appearing: Keisha Stokes-Hough (Attachments: # 1 Disclosure Statement of Amici Curiae The Rural Coalition, The Intertribal Agriculture Council, North Carolina Association of Black Lawyers Land Loss Prevention Project, and 23 Additional Farming Advocacy Organizations)(Stokes-Hough, Keisha)
06/23/2021	40	NOTICE of Appearance by Alexandra M Jordan on behalf of American Indian Mothers, Inc. (AIMI), Arkansas Land and Farm Development Corporation (ALFDC), California FarmLink, Community Farm Alliance (CFA), Cottage House, Inc. (CHI), Family Farm Defenders (FFD), Farm

		<p>Aid, HEAL (Health, Environment, Agriculture, Labor) Food Alliance, Intertribal Agriculture Council (IAC), Kansas Black Farmers Association (KBFA), Land Stewardship Project (LSP), National Family Farm Coalition (NFFC), National Latino Famers and Ranchers Trade Association (NLFRTA), National Sustainable Agriculture Coalition (NSAC), National Young Farmers Coalition (Young Farmers), Natural Resources Defense Council, Inc. (NRDC), North Carolina Association of Black Lawyers Land Loss Prevention Project (LLPP), Oklahoma Black Historical Research Project, Inc., Operation Spring Plant, Inc., Rural Advancement Foundation International-USA (RAFI-USA), Rural Advancement Fund of the National Sharecroppers Fund, Inc. (RAF), Rural Coalition, Steward Holdings, Inc. (US), Texas Coalition of Rural Landowners, Woman, Food & Agriculture Network (WFAN), World Farmers. Attorney(s) appearing: Alexandra M. Jordan (Jordan, Alexandra)</p>
06/23/2021	41	<p>Unopposed MOTION for Leave to File <i>Amici Curiae Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction</i> by American Indian Mothers, Inc. (AIMI), Arkansas Land and Farm Development Corporation (ALFDC), California FarmLink, Community Farm Alliance (CFA), Cottage House, Inc. (CHI), Family Farm Defenders (FFD), Farm Aid, HEAL (Health, Environment, Agriculture, Labor) Food Alliance, Intertribal Agriculture Council (IAC), Kansas Black Farmers Association (KBFA), Land Stewardship Project (LSP), National Family Farm Coalition (NFFC), National Latino Famers and Ranchers Trade Association (NLFRTA), National Sustainable Agriculture Coalition (NSAC), National Young Farmers Coalition (Young Farmers), Natural Resources Defense Council, Inc. (NRDC), North Carolina Association of Black Lawyers Land Loss Prevention Project (LLPP), Oklahoma Black Historical Research Project, Inc., Operation Spring Plant, Inc., Rural Advancement Foundation International-USA (RAFI-USA), Rural Advancement Fund of the National Sharecroppers Fund, Inc. (RAF), Rural Coalition, Steward Holdings, Inc. (US), Texas Coalition of Rural Landowners, Woman, Food & Agriculture Network (WFAN), World Farmers. (Stokes-Hough, Keisha)</p>
06/23/2021	42	<p>AMICI CURIAE BRIEF in Opposition filed by American Indian Mothers Inc, Arkansas Land and Farm Development Corporation, California FarmLink, Community Farm Alliance (CFA), Cottage House Inc, Family Farm Defenders, Farm Aid, HEAL (Health, Environment, Agriculture, Labor) Food Alliance, Intertribal Agriculture Council (IAC), Kansas Black Farmers Association, Land Stewardship Project, National Family Farm Coalition (NFFC), National Latino Farmers and Ranchers Trade Association, National Sustainable Agriculture Coalition (NSAC), National Young Farmers Coalition, Natural Resources Defense Council Inc, North Carolina Association of Black Lawyers Land Loss</p>

		Prevention Project (LLPP), Oklahoma Black Historical Research Project, Inc., Operation Spring Plant, Inc., Rural Advancement Foundation International-USA (RAFI-USA), Rural Advancement Fund of the National Sharecroppers Fund Inc, Rural Coalition, Steward Holdings, Inc. (US), Texas Coalition of Rural Landowners, Woman, Food & Agriculture Network (WFAN), World Farmers re 13 MOTION for Preliminary Injunction . (Attachments: # 1 Ex A-Declaration of Alfonso A. Abeyta, # 2 Ex B-Declaration of Nathaniel Bradford, # 3 Ex C-Declaration of Leroy Brinkley, Jr., # 4 Ex D-Declaration of Henry Brown, # 5 Ex E-Declaration of Jane Doe, # 6 Ex F-Declaration of George McNary III, # 7 Ex G-Statement of Cassandra P., # 8 Ex H-Statement of Rural Coalition, # 9 Ex I-Declaration of Mykia Xiong)(Stokes-Hough, Keisha) Modified on 6/23/2021 (tlf).
06/23/2021	43	REPLY BRIEF in Support filed by All Plaintiffs re 13 MOTION for Preliminary Injunction . (Lennington, Daniel)
06/24/2021		NOTICE of Hearing: Telephone Conference set for 6/24/2021 02:30 PM before Judge William C Griesbach to address the status of the case in light of the decision and order granting the motion for preliminary injunction in Case No. 21-514-MMH-JRK, Wynn v. Vilsack (M.D. Fla. June 23, 2021). <u>Instructions: Participants are to call in to 1-888-273-3658, using Access Code 4416978, and Security Code 1234.</u> Please be sure to call in prior to the time that the hearing is scheduled to begin so that there is no disruption to the court proceeding. To ensure a clear record of the hearing, participants should not use a speaker phone. Unless otherwise excused, all participants are expected to remain on the call for the duration of the conference. Please contact the Office of the Clerk at 920-455-7381 if you have any questions. All participants are to confirm their appearance with the Clerk prior to the date of the hearing. Verification of your participation should be sent to wied_clerks_gb@wied.uscourts.gov (cc: all counsel)(tlf)
06/24/2021	46	Minute Entry for proceedings held before Judge William C Griesbach: Telephone Conference held on 6/24/2021. (Tape #062421) (mac) (Entered: 06/25/2021)
06/25/2021	44	SUPPLEMENTAL BRIEF in Support filed by All Plaintiffs re 13 MOTION for Preliminary Injunction <i>Supplemental Authority In Light of Wynn v. Vilsack, M.D. Fla.</i> (Lennington, Daniel) Modified on 6/25/2021 (tlf).
06/25/2021	45	RESPONSE filed by All Defendants re 44 Supplemental Brief in Support of Motion (Newton, Emily) Modified on 6/25/2021 (tlf).

07/01/2021	47	Consent MOTION for Extension of Time to File Answer <i>or Otherwise Respond to Plaintiffs' Amended Complaint</i> by All Defendants. (Attachments: # 1 Text of Proposed Order)(Snow, Kyla)
07/02/2021	48	TEXT ONLY ORDER GRANTING 47 Consent Motion for Extension of Time to 8/2/21 to File Answer or Otherwise Respond to Plaintiffs' Amended Complaint, filed by Zach Ducheneaux, Thomas J Vilsack, signed by Judge William C Griesbach on 07/02/2021. (cc: all counsel)(Griesbach, William)
07/06/2021	49	ORDER signed by Judge William C Griesbach on 7/6/2021. Plaintiffs' 13 motion for preliminary injunction will be stayed so that in the event the injunction issued by the court in Wynn is vacated or materially altered, the stay can be lifted and Plaintiffs' motion can be given prompt consideration by the Court. In the meantime, the 21 temporary restraining order previously entered by the Court is dissolved since it is no longer needed to preserve the status quo. The parties are directed to confer with one another regarding further scheduling and submit a proposed expedited schedule to resolve the merits of this action on or before 7/14/2021. The Clerk is directed to set the matter for a telephone conference to discuss further scheduling. (cc: all counsel)(Griesbach, William)
07/06/2021	50	NOTICE of Hearing: (cc: all counsel)AT&T Telephone Scheduling Conference set for 7/20/2021 11:00 AM in By Telephone before Judge William C Griesbach. Instructions: Participants are to call in to 1-888-273-3658, using Access Code 4416978, and Security Code 1234. Please be sure to call in prior to the time that the hearing is scheduled to begin so that there is no disruption to the court proceeding. To ensure a clear record of the hearing, participants should not use a speaker phone. Unless otherwise excused, all participants are expected to remain on the call for the duration of the conference. Please contact the Office of the Clerk at 920-455-7381 if you have any questions. All participants are to confirm their appearance with the Clerk prior to the date of the hearing. Verification of your participation should be sent to wied_clerks_gb@wied.uscourts.gov (lh)
07/12/2021	51	MOTION to Stay and BRIEF IN SUPPORT <i>Proceedings</i> by All Defendants. (Attachments: # 1 Exhibit - Miller decision on class certification)(Newton, Emily) Modified on 7/12/2021 (tlf).
07/12/2021	52	MOTION to Administratively Stay Deadlines pending resolution of 51 Motion to Stay by All Defendants. (Newton, Emily) Modified on 7/12/2021 (tlf).
07/12/2021		NOTICE of Electronic Filing Error re 51 MOTION to Stay <i>Proceedings</i> . The Brief in Support of this document should have been filed as a

		separate entry. This document does not need to be re-filed. Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (tlf)
07/12/2021	53	RESPONSE to Motion filed by All Plaintiffs re 38 MOTION to Intervene . (Attachments: # 1 Certificate of Service)(Spitz, Katherine)
07/12/2021	54	BRIEF in Opposition filed by All Defendants re 38 MOTION to Intervene . (Newton, Emily)
07/13/2021	55	TEXT ONLY ORDER DENYING 52 Motion to Stay the parties upcoming deadlines, including the parties current deadline of July 14, 2021 to submit a proposed schedule to the Court, and the scheduling conference currently set for July 20, 2021, filed by Zach Ducheneaux and Thomas J Vilsack, signed by Judge William C Griesbach on 07/13/2021. The July 20, 2021 conference shall remain as scheduled. (cc: all counsel)(Griesbach, William)
07/14/2021	56	NOTICE by All Defendants <i>of Parties' Proposed Scheduling Dates</i> (Newton, Emily) Modified on 7/15/2021 (tlf).

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