

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GOLDEN ENTERTAINMENT PA, INC.,

Plaintiff,

v.

**SMALL BUSINESS ADMINISTRATION,
et al.,**

Defendants.

Civil Action No. 22-1731 (JDB)

ORDER

Upon consideration of [35] plaintiff's motion for summary judgment, [36] defendants' cross-motion for summary judgment, [44] plaintiff's motion for preliminary injunction, and [42] plaintiff's unopposed motion to file portions of the joint appendix under seal, and the entire record herein, and for the reasons stated in the accompanying Memorandum Opinion issued on this date, it is hereby

ORDERED that [35] plaintiff's motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**; summary judgment is entered for plaintiff on plaintiff's claim that the defendants' determination of its Shuttered Venue Operators Grant award was "arbitrary, capricious, or otherwise not in accordance with law," 5 U.S.C. § 706(2)(A), and that defendants' SVOG award determination, including the Notice of Award and SBA's denial of the companies' request for a larger award is **VACATED AND REMANDED** to the Small Business Administration for redetermination and an explanation consistent with the accompanying Memorandum Opinion; it is further

ORDERED that [36] defendants' cross-motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**; summary judgment is entered for defendants on plaintiff's claim that defendants have "unlawfully withheld" agency action, 5 U.S.C. § 706(1); it is further

ORDERED that [44] plaintiff's motion for preliminary injunction is **DENIED**; and it is further

ORDERED that [42] plaintiff's unopposed motion to file the LCvR 7(n) joint appendix under seal is **GRANTED** and that [43] the unredacted joint appendix shall be **FILED UNDER SEAL**.

SO ORDERED.

/s/
JOHN D. BATES
United States District Judge

Dated: March 29, 2024