IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE STATE OF MISSOURI, *Plaintiff*, v. JANET L. YELLEN, in her official capacity as Secretary of the Treasury; RICHARD K. DELMAR in his official capacity as acting inspector general of the Department of the Treasury; and U.S. DEPARTMENT OF THE TREASURY; *Defendants*.	No. 4:21-cv-00376-HEA

MOTION TO ADOPT AGREED BRIEFING SCHEDULE FOR PLAINTIFF STATE OF MISSOURI'S MOTION FOR A PRELIMINARY INJUNCTION

On April 2, 2021, the State of Missouri filed its Motion for Preliminary Injunction, requesting the Court to issue a preliminary injunction preventing Defendants from enforcing any interpretation of the Tax Mandate in the American Rescue Plan Act of 2021, *see* Pub. L. No. 117-2, § 9901 (adding § 602(c)(2)(A) to the Social Security Act (42 U.S.C. § 801 *et seq.*)), that is broader than prohibiting the deliberate and express use of the Act's relief funds to offset revenue losses from a specific tax cut. *See* ECF No. 6. Due to the impending conclusion of the Missouri General Assembly's legislative session on May 28, 2021, Missouri has requested a ruling on its Motion for Preliminary Injunction by May 3, 2021. *See id.*

In order to facilitate the Court's resolution of Missouri's Motion by that time, the parties have agreed to the following briefing schedule: Defendants Janet L. Yellen, Richard K. Delmar, and the U.S. Department of the Treasury will file their response (not to exceed 35 pages) to Missouri's motion on April 23, 2021. Missouri will file its reply (not to exceed 15 pages) by April

27, 2021. The parties respectfully request that the Court adopt this briefing schedule agreed by the parties.

As noted, Missouri has requested a ruling on its motion for preliminary injunction by Monday, May 3, 2021. In the event that the Court wishes to hold a hearing to hear oral argument on the Motion for Preliminary Injunction, counsel for Missouri can be available on any date and time from April 27 through May 3, 2021, or thereafter. Counsel for Defendants state that they are not available on April 27, 28, 29, or 30, 2021, but can be available on any date and time thereafter.

Dated: April 12, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on April 12, 2021, a true and correct copy of the foregoing and any attachments were filed electronically through the Court's CM/ECF system, to be served on counsel for all parties by operation of the Court's electronic filing system.

/s/ D. John Sauer