**UNITED STATES DISTRICT COURT**
**DISTRICT OF COLUMBIA**

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| THE SHAWNEE TRIBE,<br><br>Plaintiff,<br><br>v.<br><br>STEVEN MNUCHIN, in his official capacity as Secretary of the Treasury, et al.,<br><br>Defendants. | Case No. 20-cv-1999 |

**NOTICE IN RESPONSE TO JANUARY 21, 2021 MINUTE ORDER**

On January 21, 2021, following a telephonic status conference, the Court issued a Minute Order requiring Defendants to "notify the court," by January 28, 2021, "of their position on the pending motions for preliminary injunction in *Miccosukee Tribe of Indians of Florida v. U.S. Department of Treasury*, 20-cv-2792, and *Prairie Band Potawatomi Nation v. Mnuchin*, 21-cv-12." The Plaintiffs in both *Miccosukee* and *Prairie Band* seek a preliminary injunction to ensure that the Department of Treasury will not disburse the remaining, relevant funds appropriated in the Coronavirus Aid, Relief, and Economic Security ("CARES") Act—*i.e.*, the funds remaining from the appropriation identified in 42 U.S.C. § 801(a)(2)(B)—before their respective cases are resolved. *See* Expedited Preliminary Injunction Motion, *Miccosukee Tribe of Indians of Florida v. U.S. Department of Treasury*, 20-cv-2792, ECF No. 5 (D.D.C. Sept. 18, 2020); Motion for Preliminary Injunction, *Prairie Band Potawatomi Nation v. Mnuchin*, 21-cv-12, ECF No. 4 (D.D.C. Jan. 6, 2021).

To avoid the need for the Court to resolve these preliminary injunction motions at this juncture, Treasury is willing to agree to provide Plaintiffs with fourteen (14) days' notice before disbursing the funds remaining from the appropriation identified in 42 U.S.C. § 801(a)(2)(B),

should Treasury elect to disburse these funds prior to the Supreme Court's resolution of *Chehalis*. Treasury's representation that it currently has no plan to disburse the relevant funds prior to a resolution in *Chehalis*, combined with the aforementioned offer to provide 14-days' notice if its position changes, should eliminate any need for Plaintiffs' requested preliminary injunctions, as they are under no threat of irreparable harm from such distribution. Notably, both Prairie Band and Miccosukee previously agreed that *three* business days' notice was sufficient to prevent potential injury. *See* Joint Status Rep., No. 1:20-cv-2792 (D.D.C. Dec. 11, 2020); Stipulation, No. 1:21-cv-0021 (D.D.C. Jan. 6, 2021), ECF No. 5. Thus, Defendants currently oppose the preliminary injunction motions in *Miccosukee* and *Prairie Band*.

Dated: January 28, 2021

Respectfully submitted,

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