

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CARMEN’S CORNER STORE, *et al.*,

Plaintiffs,

v.

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

Defendants.

No. 1:20-cv-1736-CCB

DEFY VENTURES, INC., , *et al.*,

Plaintiffs,

v.

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

Defendants.

No. 1:20-cv-1838-CCB

DEFENDANTS’ NOTICE OF FILING

The United States Small Business Administration, et al. (“Defendants”) file herewith the attached Declaration of William J. Briggs, regarding questions Plaintiffs raise in reply concerning Defendants’ efforts “to ensure that newly eligible businesses are aware of or can benefit from” the June 24, 2020, revisions to the First PPP Interim Final Rule. *See, e.g., Defy Ventures Pls.’ Mem. in Reply to Defs.’ Opp’n to Injunctive Relief*, ECF No. 34, at 1.

Dated: June 26, 2020

Respectfully submitted,

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Assistant Attorney General

DAVID M. MORRELL
Deputy Assistant Attorney General

JOHN R. GRIFFITHS
Director

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Assistant Director

/s/ James J. Gilligan
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Counsel for Defendants

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FOR THE DISTRICT OF MARYLAND**

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ADMINISTRATION, <i>et al.</i> ,	)	
	)	
Defendants.	)	
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UNITED STATES SMALL BUSINESS	)	
ADMINISTRATION, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

DECLARATION OF WILLIAM J. BRIGGS

I, William J. Briggs, for my declaration pursuant to 28 U.S.C. § 1746, depose and say as follows:

1. I am a Deputy Associate Administrator for the Office of Capital Access of the United States Small Business Administration (“SBA”). The Office of Capital Access is responsible for the operation of and development of policy for the SBA’s business loan programs authorized under Section 7(a) of the Small Business Act, and the Paycheck Protection Program (“PPP”) authorized under the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act. I am knowledgeable about the Section 7(a) and PPP programs.

2. I submit this declaration in support of the Defendants’ opposition to the Plaintiffs’ motions for temporary restraining orders and preliminary injunctions in the above-captioned

actions. The statements contained in this declaration are based on my personal knowledge and information made available to me in the course of carrying out my duties and responsibilities as SBA Deputy Associate Administrator for the Office of Capital Access.

3. Attached to this declaration is a true and correct copy of the Paycheck Protection Program (PPP) Policy Update issued by the SBA on Wednesday, June 24, 2020. The update notifies recipients that there have been eligibility revisions to the PPP First Interim Final Rule (85 Fed. Reg. 20811 (Apr. 15, 2020)), and provides a link to the rule amendment concerning the eligibility of applicants and applicant owners with criminal justice histories.

4. In accordance with SBA practice concerning policy updates of this nature, on June 24, 2020, at 10:45 a.m. eastern time, I e-mailed the attached update to a distribution list that includes 18 national trade associations for all types of lenders, large individual lenders, and most new non-bank lenders; SBA field staff and senior headquarters staff; external affairs officials at the Federal Reserve, FDIC, OCC, NCUA, Treasury, the SEC, and USDA, who actively engage with multiple lender communities; the Minority Business Development Agency at the Department of Commerce; State bank supervisors; and major business groups, religious organizations and non-profit council groups.

5. The update asks that each recipient “[p]lease distribute this message throughout your PPP lending community.”

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 27th day of June, 2020.

William J. Briggs

WILLIAM J. BRIGGS

From: [Briggs, William J.](#)
To: [Briggs, William J.](#)
Subject: PPP Policy Update – Wednesday, June 24, 2020
Date: Wednesday, June 24, 2020 10:45:19 AM

Please distribute this message throughout your PPP lending community

Paycheck Protection Program (PPP) Policy Update – Wednesday, June 24, 2020

SBA & Treasury have recently released additional guidance:

- **Interim Final Rule - [Additional Eligibility Revisions to First Interim Final Rule](#)**
(Released June 24, 2020)
 - *Note: This IFR is being posted in advance of publication in the Federal Register. The official version will appear in the Federal Register.*

For more information and updates, visit SBA.gov/PaycheckProtection or Treasury.gov/CARES

Bill Briggs
Deputy Associate Administrator, Office of Capital Access
U.S. Small Business Administration

SBA-Hor-2



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