

**U.S. District Court
Western District of Tennessee (Jackson)
CIVIL DOCKET FOR CASE #: 1:21-cv-01085-STA-jay**

Holman v. Vilsack et al
Assigned to: Chief Judge S. Thomas Anderson
Referred to: Magistrate Judge Jon A. York
Cause: 28:1331 Fed. Question

Date Filed: 06/02/2021
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

Robert Holman

represented by **William Edward Trachman**
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V.

Defendant

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*in his official capacity as Secretary
of the United States Department of
Agriculture*

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Defendant

Zach Ducheneaux
in his official capacity as
Administrator of the Farm Service
Agency

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Audrey M. Calkins
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Amicus

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TERMINATED: 08/25/2021

Amicus

Association of American Indian
Farmers

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TERMINATED: 08/25/2021

Date Filed	#	Docket Text
06/02/2021	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 402 receipt number ATNWDC-3622754), filed by Robert Holman. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons)(Boucek, Braden) (Entered: 06/02/2021)
06/02/2021	<u>2</u>	Chief Judge S. Thomas Anderson and Magistrate Judge Jon A. York added. (mbm) (Entered: 06/02/2021)
06/02/2021	<u>3</u>	Summons Issued as to All Defendants. The filer has been notified electronically that the summons has been issued, and the new docket entry reflects this. Upon notification of the new docket entry, the filer is to print the issued summons in order to effect service. (Attachments: # <u>1</u> Summons - Ducheneaux)(mbm) (Entered: 06/02/2021)
06/02/2021	4	NOTICE OF CASE TRACKING ASSIGNMENT PURSUANT TO LOCAL RULE 16.2: Pursuant to Local Rule 16.2, this case has been assigned to the Standard track. http://www.tnwd.uscourts.gov/pdf/content/LocalRules.pdf (mbm) (Entered: 06/02/2021)
06/02/2021	5	NOTICE TO COMPLY WITH PLAN FOR ALTERNATE DISPUTE RESOLUTION (ADR): Pursuant to Section to 2.1 of the ADR Plan, all civil cases filed on or after Sept. 1, 2014, shall be referred automatically for ADR. For compliance requirements, refer to the ADR Plan at: http://www.tnwd.uscourts.gov/pdf/content/ADRPlan.pdf (mbm) (Entered: 06/02/2021)
06/02/2021	6	NOTICE OF RIGHT TO CONSENT TO THE EXERCISE OF CIVIL JURISDICTION BY A MAGISTRATE JUDGE Pursuant to 28 U.S.C. 636(c), Fed.R.Civ.P.73, and Local Rule 72.1, this Court has designated the Magistrate Judges of this District to conduct trials and otherwise dispose of any civil case that is filed in this Court. Your decision to consent, or not consent, to the referral of your case to a United States Magistrate Judge for trial and entry of a final judgment must be entirely voluntary. The judge or magistrate judge to whom the case has been assigned will not be informed of your decision unless all parties agree that the case may be referred

		to a magistrate judge for these specific purposes. A less than unanimous decision will not be communicated by this office to either the judge or magistrate judge. The consent form is available on the courts website at https://www.tnwd.uscourts.gov/forms-and-applications.php (mbm) (Entered: 06/02/2021)
06/06/2021	<u>7</u>	First MOTION for Preliminary Injunction <i>proposed order submitted</i> by All Plaintiffs. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Attachment 1 - Vitolo opinion, # <u>3</u> Exhibit Attachment 2 - Holman declaration, # <u>4</u> Attachment 3 - ARPA full text, # <u>5</u> Attachment 4 - Blessed Cajuns, # <u>6</u> proposed order)(Boucek, Braden) (Entered: 06/06/2021)
06/07/2021	<u>8</u>	MOTION for Leave to Appear Pro Hac Vice <i>Proposed Order Submitted</i> (Filing fee \$ 150 receipt number ATNWDC-3625294) by Robert Holman. (O'Leary, Celia) (Entered: 06/07/2021)
06/07/2021	<u>9</u>	ORDER GRANTING <u>8</u> MOTION FOR ADMISSION PRO HAC VICE. Signed by Chief Judge S. Thomas Anderson on 6/7/2021. (mbm) (Entered: 06/07/2021)
06/08/2021	10	SETTING LETTER: Re: <u>7</u> First MOTION for Preliminary Injunction. IN PERSON Motion Hearing set for 6/17/2021 09:00 AM in Jackson Courtroom 1 before Chief Judge S. Thomas Anderson. ***Please be advised that Plaintiff's attorney must provide notice of the hearing to the United States Attorney for the Western District of Tennessee.*** (mbb) (Entered: 06/08/2021)
06/09/2021	<u>11</u>	MOTION to Continue <i>Preliminary Injunction Hearing and Motion for Extension of Time to Respond to Motion for Preliminary Injunction (proposed order submitted)</i> by Zach Ducheneaux, Thomas J Vilsack. (Calkins, Audrey) (Entered: 06/09/2021)
06/09/2021	<u>12</u>	RESPONSE in Opposition re <u>11</u> MOTION to Continue <i>Preliminary Injunction Hearing and Motion for Extension of Time to Respond to Motion for Preliminary Injunction (proposed order submitted)</i> filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Faust v. Vilsack Declaration, # <u>2</u> Exhibit Faust v. Vilsack Response, # <u>3</u> Exhibit Wynn v. Vilsack Response)(Boucek, Braden) (Entered: 06/09/2021)
06/10/2021	<u>13</u>	ORDER GRANTING DEFENDANTS' <u>11</u> MOTION TO CONTINUE PRELIMINARY INJUNCTION HEARING AND GRANTING MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION FOR PRELIMINARY INJUNCTION. Signed by Chief Judge S. Thomas Anderson on 6/10/2021. (mbm) (Entered: 06/10/2021)

06/10/2021	<u>14</u>	NOTICE OF RESETTNG: Re: <u>7</u> First MOTION for Preliminary Injunction IN PERSON Motion Hearing reset for 6/29/2021 08:45 AM in Jackson Courtroom 1 before Chief Judge S. Thomas Anderson. (mbb) (Entered: 06/10/2021)
06/14/2021	<u>15</u>	AFFIDAVIT of Service by Robert Holman. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(O'Leary, Celia) (Entered: 06/14/2021)
06/16/2021		Pro Hac Vice Filing fee \$ 150 paid, receipt number ATNWDC-3633621. (Trachman, William) (Entered: 06/16/2021)
06/16/2021	<u>16</u>	MOTION for Leave to Appear Pro Hac Vice (Fee paid as part of previous filing) by Robert Holman. (Attachments: # <u>1</u> Exhibit Certificates of Good Standing)(Trachman, William) (Entered: 06/16/2021)
06/16/2021	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice <i>for Corey C. Bartkus</i> (Filing fee \$ 150 receipt number ATNWDC-3633652) by Robert Holman. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing)(Bartkus, Corey) (Entered: 06/16/2021)
06/16/2021	<u>18</u>	ORDER DENYING <u>17</u> MOTION TO PROCEED PRO HAC VICE. Signed by Chief Judge S. Thomas Anderson on 6/16/2021. (mbm) (Entered: 06/16/2021)
06/16/2021	<u>19</u>	ORDER GRANTING <u>16</u> MOTION FOR LEAVE TO PROCEED PRO HAC VICE. Signed by Chief Judge S. Thomas Anderson on 6/16/2021. (mbm) (Entered: 06/16/2021)
06/16/2021	<u>20</u>	MOTION for Leave to Appear Pro Hac Vice <i>for Corey C. Bartkus</i> (Fee paid as part of previous filing) by Robert Holman. (Attachments: # <u>1</u> Exhibit Certificates of Good Standing)(Bartkus, Corey) (Entered: 06/16/2021)
06/17/2021	<u>21</u>	ORDER GRANTING <u>20</u> MOTION FOR ADMISSION PRO HAC VICE. Signed by Chief Judge S. Thomas Anderson on 6/17/2021. (mbm) (Entered: 06/17/2021)
06/21/2021	<u>22</u>	NOTICE of Appearance by Kyla Snow on behalf of All Defendants (Snow, Kyla) (Entered: 06/21/2021)
06/23/2021	<u>23</u>	NOTICE of Appearance by Emily Sue Newton on behalf of All Defendants (Newton, Emily) (Entered: 06/23/2021)
06/24/2021	<u>24</u>	NOTICE of Appearance by Randolph Chen on behalf of National Black Farmers Association (Chen, Randolph) (Entered: 06/24/2021)

06/24/2021	<u>25</u>	NOTICE of Appearance by Randolph Chen on behalf of Association of American Indian Farmers (Chen, Randolph) (Entered: 06/24/2021)
06/24/2021	<u>26</u>	MOTION for Leave to File <i>Amicus Brief in Opposition to Plaintiff's Motion for a Preliminary Injunction and MEMORANDUM IN SUPPORT</i> by Association of American Indian Farmers, National Black Farmers Association. (Attachments: # <u>1</u> Appendix Proposed Amicus Brief, # <u>2</u> Exhibit Exh. 1 - J. Boyd Decl., # <u>3</u> Exhibit Exh. 2 - K. Boyd Decl., # <u>4</u> Exhibit Exh. 3 - I. Williams Decl., # <u>5</u> Exhibit Exh. 4 - S. Lewis Decl.)(Chen, Randolph) (Entered: 06/24/2021)
06/24/2021	<u>27</u>	MOTION to Intervene <i>Conditionally and MEMORANDUM IN SUPPORT</i> by Association of American Indian Farmers, National Black Farmers Association. (Attachments: # <u>1</u> Exhibit Exh. 1 - J. Boyd Decl., # <u>2</u> Exhibit Exh. 2 - K. Boyd Decl., # <u>3</u> Exhibit Exh. 3 - I. Williams Decl., # <u>4</u> Exhibit Exh. 4 - S. Lewis Decl., # <u>5</u> Appendix Proposed Answer)(Chen, Randolph) (Entered: 06/24/2021)
06/24/2021	<u>28</u>	Consent MOTION for Leave to File Excess Pages by All Defendants. (Attachments: # <u>1</u> Exhibit Response in Opposition to Plaintiff's Motion for a Preliminary Injunction, # <u>2</u> Exhibit A - Declaration of William Cobb, # <u>3</u> Exhibit B - Agriculture and Human Values Journal)(Snow, Kyla) (Entered: 06/24/2021)
06/25/2021	<u>29</u>	ORDER GRANTING <u>26</u> MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF. Signed by Chief Judge S. Thomas Anderson on 6/25/21. (cdi) (Entered: 06/25/2021)
06/25/2021	<u>30</u>	ORDER GRANTING <u>28</u> DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE EXCESS PAGES. Signed by Chief Judge S. Thomas Anderson on 6/25/21. (cdi) (Entered: 06/25/2021)
06/25/2021	<u>31</u>	RESPONSE in Opposition re <u>7</u> First MOTION for Preliminary Injunction <i>proposed order submitted</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit A - Declaration of William Cobb, # <u>2</u> Exhibit B - Agriculture and Human Values Journal)(Snow, Kyla) (Entered: 06/25/2021)
06/25/2021	<u>32</u>	Consent MOTION for Leave to File <i>to File Reply Brief in Excess of 10 Pages (proposed order attached)</i> by All Plaintiffs. (Attachments: # <u>1</u> proposed order attached)(Boucek, Braden) (Entered: 06/25/2021)

06/25/2021	<u>33</u>	NOTICE of Appearance by David Samuel Muraskin on behalf of Association of American Indian Farmers, National Black Farmers Association (Muraskin, David) (Entered: 06/25/2021)
06/25/2021	<u>34</u>	NOTICE by Association of American Indian Farmers, National Black Farmers Association re <u>7</u> First MOTION for Preliminary Injunction <i>proposed order submitted Amicus Brief in Opposition to Plaintiff's Motion</i> (Attachments: # <u>1</u> Exhibit Exh. 1 - J. Boyd Decl., # <u>2</u> Exhibit Exh. 2 - K. Boyd Decl., # <u>3</u> Exhibit Exh. 3 - I. Williams Decl., # <u>4</u> Exhibit Exh. 4 - S. Lewis Decl.)(Chen, Randolph) (Entered: 06/25/2021)
06/25/2021	<u>35</u>	ORDER GRANTING <u>32</u> PLAINTIFF'S MOTION FOR LEAVE TO FILE REPLY. Signed by Chief Judge S. Thomas Anderson on 6/25/21. (cdi) (Entered: 06/25/2021)
06/27/2021	<u>36</u>	REPLY to Response to Motion re <u>31</u> Response in Opposition to Motion, <u>12</u> Response in Opposition to Motion, filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Faust v. Vilsack TRO)(Boucek, Braden) (Entered: 06/27/2021)
06/29/2021	<u>37</u>	Minute Entry for proceedings held before Chief Judge S. Thomas Anderson: IN Person Motion Hearing held on 6/29/2021 re <u>7</u> First MOTION for Preliminary Injunction. Parties addressed the Court. Opening statements/remarks. Questions posed by the Court. Closing statements/remarks. Court to issue opinion. PRESENT: Braden Boucek, William Trachman for plaintiff. Kyla Snow, Audrey Calkins for defendants. (Court Reporter Kristi Heasley.) (mbb) (Entered: 06/29/2021)
07/02/2021	<u>38</u>	NOTICE by Robert Holman (<i>NOTICE OF SUPPLEMENTAL AUTHORITY</i>) (Attachments: # <u>1</u> (Attachment 1 - Order))(Trachman, William) (Entered: 07/02/2021)
07/07/2021	<u>39</u>	RESPONSE in Opposition re <u>27</u> MOTION to Intervene <i>Conditionally and MEMORANDUM IN SUPPORT</i> filed by All Plaintiffs. (Boucek, Braden) (Entered: 07/07/2021)
07/08/2021	<u>40</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on June 29, 2021, Motion Hearing before Judge S. Thomas Anderson. Court Reporter Kristi Heasley, Telephone number 731-421-9237. Notice is hereby given that an official transcript of a proceeding has been filed by the court reporter in this matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript, and twenty-one (21) calendar

		days to file a Request for Redaction. Redaction is the responsibility of the attorneys and pro se litigants who attended the hearing to which the transcription applies. Each party is responsible for reviewing and requesting redaction of testimony of witnesses that were called for the party and for that party's own statements. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal.. Notice of Intent to Request Redaction due 7/13/2021. Redaction Request due 7/29/2021. Release of Transcript Restriction set for 10/6/2021. (Heasley, Kristi) (Entered: 07/08/2021)
07/08/2021	41	ORDER GRANTING 7 MOTION FOR PRELIMINARY INJUNCTION. Signed by Chief Judge S. Thomas Anderson on 7/8/2021. (mbm) (Entered: 07/08/2021)
07/09/2021	42	NOTICE by Association of American Indian Farmers, National Black Farmers Association re 27 MOTION to Intervene <i>Conditionally and MEMORANDUM IN SUPPORT re Consultation and Proposed Order</i> (Chen, Randolph) (Entered: 07/09/2021)
07/13/2021	43	ORDER HOLDING 27 CONDITIONAL MOTION TO INTERVENE IN ABEYANCE. Signed by Chief Judge S. Thomas Anderson on 7/13/21. (cdi) (Entered: 07/13/2021)
07/13/2021	44	SETTING LETTER: IN PERSON Scheduling Conference set for 8/5/2021 09:00 AM in Jackson Courtroom 1 before Chief Judge S. Thomas Anderson. (mbb) (Entered: 07/13/2021)
07/14/2021	45	MOTION to Stay <i>Proposed Order Submitted</i> by All Defendants. (Attachments: # 1 Exhibit A - Miller Decision)(Snow, Kyla) (Entered: 07/14/2021)
07/14/2021	46	MOTION to Stay , <i>Administratively, Timely Deadlines (proposed order submitted)</i> by All Defendants. (Snow, Kyla) (Entered: 07/14/2021)
07/15/2021	47	ORDER PARTIALLY GRANTING DEFENDANTS' 46 MOTION FOR ADMINISTRATIVE STAY PENDING RESOLUTION OF DEFENDANTS' STAY MOTION. Signed by Chief Judge S. Thomas Anderson on 7/15/2021. (mbm) (Entered: 07/15/2021)
07/28/2021	48	RESPONSE in Opposition re 45 MOTION to Stay <i>Proposed Order Submitted via email July 28, 2021</i> filed by Robert Holman. (Attachments: # 1 Exhibit 1 - A Career Counselors Guide to Lateral

		Hiring at DOJ, # 2 Exhibit 2 - Choose Justice - Guide to U.S. DOJ for Law Students and Exp. Attorneys, # 3 Exhibit 3 - 2022 Budget Summary, United States Department of Justice)(Trachman, William) (Entered: 07/28/2021)
08/02/2021	49	ORDER DENYING DEFENDANTS' 45 MOTION TO STAY PROCEEDINGS PENDING RESOLUTION OF RELATED CLASS ACTION. Signed by Chief Judge S. Thomas Anderson on 8/2/2021. (mbm) (Entered: 08/02/2021)
08/03/2021	50	SETTING LETTER: IN PERSON Scheduling Conference set for 9/2/2021 09:00 AM in Jackson Courtroom 1 before Chief Judge S. Thomas Anderson. (mbb) (Entered: 08/03/2021)
08/16/2021	51	REPORT of Rule 26(f) Planning Meeting . (Newton, Emily) (Entered: 08/16/2021)
08/25/2021	52	Consent MOTION to Withdraw as Attorney (<i>Randolph T. Chen</i>) (<i>proposed order submitted</i>) by Association of American Indian Farmers, National Black Farmers Association. (Chen, Randolph) (Entered: 08/25/2021)
08/25/2021	53	ORDER GRANTING UNOPPOSED 52 MOTION TO WITHDRAW AS COUNSEL. Signed by Chief Judge S. Thomas Anderson on 8/25/2021. (mbm) (Entered: 08/25/2021)
08/25/2021	54	NOTICE OF RESETTING: IN PERSON Scheduling Conference reset for 10/7/2021 09:15 AM in Jackson Courtroom 1 before Chief Judge S. Thomas Anderson. (mbb) (Entered: 08/25/2021)
09/27/2021	55	TRANSCRIPT RELEASE NOTICE: By Administrative Order 2008-35 the United States District Court for the Western District of Tennessee implemented a policy regarding remote access to electronic transcripts. Pursuant to that policy, as well as Civil Rule 5.2 and Criminal Rule 49.1, each party's attorney is required to review a transcript for information that should be redacted pursuant to the Judicial Conference's privacy policy which requires that Social Security numbers be redacted to show only the last four digits; birth dates should contain only the year of birth; individuals known to be minors should be referred to with initials; and financial account numbers should be redacted to the last four digits. Additionally, in criminal case files, home addresses should reveal only the city and state of residence. Our records indicate that the 90-day restriction on public access to an electronic transcript(s) in this matter will lapse within 10 days. If

		a redaction request is required but has not been filed, please do so immediately. Please feel free to contact our office for further guidance on this issue. (re: DE# 40 ; release date 10/06/2021) (mbm) (Entered: 09/27/2021)
10/07/2021	56	Minute Entry for proceedings held before Chief Judge S. Thomas Anderson: Scheduling Conference held on 10/7/2021. Parties addressed the Court. Court addressed the parties. Counsel given until close of business on 10/13/21 to file responsive pleadings. Counsel to take dates and divide difference in half and submit new scheduling order with new deadlines to chambers. PRESENT: William Trachman, Celia O'Leary, Braden Boucek for plaintiff. Kyla Snow, Audrey Calkins for defendants. (Court Reporter Kristi Heasley.) (mbb) (Entered: 10/07/2021)
10/13/2021	57	MOTION to Dismiss for Lack of Jurisdiction <i>or Failure to State a Claim</i> by All Defendants. (Snow, Kyla) (Entered: 10/13/2021)
10/15/2021	58	MOTION for Reconsideration re 49 Order on Motion to Stay , <i>or alternatively for stay of discovery pending resolution of motion to dismiss (proposed order submitted)</i> by All Defendants. (Attachments: # 1 Exhibit A - Miller Order Denying Mot to Opt Out)(Snow, Kyla) (Entered: 10/15/2021)
10/22/2021	59	ORDER PARTIALLY GRANTING DEFENDANTS' 58 MOTION FOR RECONSIDERATION. Signed by Chief Judge S. Thomas Anderson on 10/22/2021. (mbm) (Entered: 10/22/2021)
10/27/2021	60	RESPONSE in Opposition re 57 MOTION to Dismiss for Lack of Jurisdiction <i>or Failure to State a Claim</i> filed by All Plaintiffs. (Boucek, Braden) (Entered: 10/27/2021)
10/29/2021	61	Consent MOTION for Extension of Time to File Response/Reply <i>(proposed order submitted)</i> by All Defendants. (Snow, Kyla) (Entered: 10/29/2021)
11/01/2021	62	ORDER GRANTING DEFENDANTS' UNOPPOSED 61 MOTION FOR EXTENSION OF TIME TO SUMBIT REPLY BRIEF. Signed by Chief Judge S. Thomas Anderson on 11/1/2021. (mbm) (Entered: 11/01/2021)
11/05/2021	63	MOTION for Leave to File <i>Reply Brief in Excess of Page Limits (proposed order submitted)</i> by All Defendants. (Attachments:

		# 1 Exhibit A - Reply in Support of Motion to Dismiss)(Snow, Kyla) (Entered: 11/05/2021)
11/08/2021	64	ORDER GRANTING DEFENDANTS' 63 MOTION FOR LEAVE TO FILE BRIEF IN EXCESS OF PAGE LIMITS. Signed by Chief Judge S. Thomas Anderson on 11/8/2021. (mbm) (Entered: 11/08/2021)
11/08/2021	65	REPLY to Response to Motion re 60 Response in Opposition to Motion to Dismiss Counts Two and Three for Lack of Jurisdiction and Failure to State a Claim filed by All Defendants. (Snow, Kyla) (Entered: 11/08/2021)

PACER Service Center

Transaction Receipt

11/15/2021 21:36:20

PACER Login:	CRCclearinghouse	Client Code:	Hudson-Erdman
Description:	Docket Report	Search Criteria:	1:21-cv-01085-STA-jay
Billable Pages:	7	Cost:	0.70