

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ADAM FAUST,

Plaintiff,

v.

BROOKE ROLLINS, in her official capacity
as United States Secretary of Agriculture,

Defendant.

Case No. 1:25-cv-854

CONSENT MOTION TO STAY

Defendant U.S. Department of Agriculture (“USDA”) hereby respectfully requests that the Court stay this litigation—including Defendant’s deadline to answer the complaint—for 60 days, until October 21, 2025. Defendant has conferred with Plaintiff, who has consented to the relief requested herein. As good cause for this relief, Defendant represents the following:

1. On June 16, 2025, Plaintiff filed a complaint bringing equal protection challenges to the “socially disadvantaged” designation in three USDA programs. *See, e.g.*, Compl. ¶¶ 21, 33, 42, 50, ECF No. 1.

2. The U.S. Attorney for the Eastern District of Wisconsin was served a copy of the summons and complaint on June 23, 2025. Accordingly, Defendant’s response to the complaint in this action is due by August 22, 2025. Fed. R. Civ. P. 12(a)(2).

3. USDA is currently defending a similar challenge in *Strickland v. USDA*, No. 2:24-cv-60 (N.D. Tex.), in which the plaintiffs brought equal protection claims against the “socially disadvantaged” designation in certain other USDA programs. On February 10, 2025, the government filed a statement in *Strickland* explaining that “the Department of Justice has

determined that the [USDA] programs at issue in this case are unconstitutional to the extent they include preferences based on race and sex,” and moreover that “USDA has independently determined that it will no longer employ the race- and sex-based ‘socially disadvantaged’ designation to provide increased benefits based on race and sex in the programs at issue in this case.” Resp. to the Court’s Jan. 27, 2025 Order, *Strickland*, No. 2:24-cv-60 (N.D. Tex. Feb. 10, 2025), ECF No. 52 (attached hereto as Exhibit A).

4. Moreover, on July 10, 2025, USDA published a final rule amending the regulations of multiple USDA programs to remove the use of the race- and sex-based “socially disadvantaged” designation when determining benefits under those programs. *See Removal of Unconstitutional Preferences Based on Race and Sex in Response to Court Ruling*, 90 Fed. Reg. 30555 (July 10, 2025) (“July 10 Final Rule”). The final rule explained that USDA concluded that the “socially disadvantaged” designation “is inconsistent with constitutional principles and the administration’s policy objectives.” *See id.* at 30556.

5. One of the three challenged programs here is the Loan Guarantee Program. *See* Compl. ¶¶ 40–44. The July 10 Final Rule included amendments to the regulatory language for that program to remove the use of the race- and sex-based “socially disadvantaged” designation. *See* 90 Fed. Reg. at 30556 (noting amendments to “Guaranteed Farm Loans” program under 7 C.F.R. Part 762); *see id.* at 30559 (providing amendments to 7 C.F.R. §§ 762.129–30).

6. USDA is considering how to implement the administration’s position regarding the remaining two programs challenged in this case, including the Dairy Margin Coverage Program, 7 U.S.C. § 9054, and the Environmental Quality Incentives Program, 16 U.S.C. § 3839aa-2. *See* Compl. ¶¶ 29–39, 45–50. USDA’s decision could obviate the need for further litigation.

7. Accordingly, to conserve the parties' and the Court's resources, Defendant requests that the Court stay all further litigation for 60 days, including Defendant's August 22, 2025 deadline to respond to the complaint. Defendant's deadline to respond to the complaint would be updated to October 21, 2025.

Dated: August 22, 2025

Respectfully submitted,

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