

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS  
TOPEKA DIVISION**

CATO INSTITUTE,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION, *et al.*,

Defendants.

Case No. 5:22-cv-04055-TC-RES

**JOINT MOTION FOR BRIEFING SCHEDULE  
AND FOR LEAVE TO FILE EXCESS PAGES**

On October 18, Plaintiff filed a complaint challenging a recently announced policy of the U.S. Department of Education concerning the discharge of certain federal student-loan debt. *See* ECF No. 1. On October 21, Plaintiff filed a motion for temporary restraining order and preliminary injunction. *See* ECF No. 13. Plaintiff has requested “expedited briefing and consideration” of its motion. *Id.* at 1.

The parties now have conferred regarding Plaintiff’s motion and request for expedited briefing. Following those discussions, the parties have agreed to the following expedited briefing schedule for that motion, along with associated page limits for their respective filings:

<b>Filing</b>	<b>Page Limit</b>	<b>Date</b>
Defendants’ Response in Opposition	40 pages	November 1, 2022
Plaintiff’s Reply	40 pages	November 7, 2022

Good cause exists for this briefing schedule and the associated page extensions. Plaintiff’s complaint and motion for temporary restraining order and preliminary injunction raise numerous complex questions of constitutional and administrative law. Additionally, even beyond the merits of

Plaintiff's claims, the parties anticipate that their briefing will need to address numerous jurisdictional issues. So that the Court may benefit from a fulsome presentation of the parties' positions on these legal questions, and so that Plaintiff's motion may be resolved on an appropriate timeline, the parties respectfully request that the Court adopt the specific deadlines and page limits that the parties have negotiated and agreed upon, as detailed above.

Dated: October 25, 2022

Respectfully submitted,

/s/ Markham S. Chenoweth  
MARK CHENOWETH (KS Bar No. 20140)  
General Counsel  
SHENG LI  
Litigation Counsel  
RUSSELL G. RYAN  
Senior Litigation Counsel  
Attorneys for Plaintiff Cato Institute  
NEW CIVIL LIBERTIES ALLIANCE  
1225 19th Street NW, Suite 450  
Washington, DC 20036  
(202) 869-5210  
Sheng.Li@ncla.legal

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

MARCIA BERMAN  
Assistant Branch Director

/s/ Cody T. Knapp  
CODY T. KNAPP (NY #5715438)  
KATE TALMOR  
R. CHARLIE MERRITT  
SAMUEL REBO  
Trial Attorneys  
U.S. Department of Justice  
Civil Division  
Federal Programs Branch  
1100 L St. NW  
Washington, D.C. 20005  
Telephone: (202) 532-5663  
Facsimile: (202) 616-8470  
E-mail: cody.t.knapp@usdoj.gov

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 25, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically serve a copy to all counsel of record.

/s/ Cody T. Knapp  
CODY T. KNAPP