

**In the United States District Court
for the District of Kansas**

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

CATO INSTITUTE,

Plaintiff

v.

U.S. DEPARTMENT OF EDUCATION, ET AL.,

Defendants

ORDER

The previously scheduled hearing on Plaintiff's pending Motion for Temporary Restraining Order and Preliminary Injunction, Doc. 13, is postponed. That hearing may be rescheduled at a later time.

Additional briefing is requested. As noted previously, another court recently granted summary judgment against the Department of Education's loan forgiveness plan, found that the agency's actions were unlawful, and vacated the very executive action that Plaintiff here relies on for its claim. Doc. 34 (citing *Brown v. Dep't of Educ.*, No. 4:22-cv-0908, 2022 WL 16858525, at *14 (N.D. Tex. Nov. 10, 2022)). The parties may submit briefing to address what impact, if any, *Brown* has on Plaintiff's claims, including preclusion, mootness, and related jurisdictional and prudential concerns. The Government's brief is to be filed no later than November 29, 2022, Plaintiff's response is to be filed no later than December 13, 2022, and the Government's reply, if any, is to be filed no later than December 20, 2022.

The Government has filed a motion seeking dismissal or transfer based on lack of subject-matter jurisdiction and improper venue. Doc. 29. Plaintiff's response in opposition and the Government's reply should be filed on December 13, 2022, and December 20, 2022, respectively. To the extent practicable, the response and reply briefs should be consolidated with the briefing on the impact of *Brown*.

IT IS SO ORDERED.

Date: November 16, 2022

s/ Toby Crouse

Toby Crouse
United States District Judge