

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CATO INSTITUTE,

*Plaintiff,*

v.

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

*Defendants.*

CASE NO. 22-CV-4055-TC-RES

**PLAINTIFF'S NOTICE PURSUANT TO LOCAL RULE 7.1(f)**

Pursuant to Local Rule 7.1(f), Plaintiff provides notice that the Supreme Court granted certiorari in *Department of Education v. Brown*, Case No. 22-535, on December 12, 2022, and directed the Clerk to establish a briefing schedule that will allow the case to be argued in the February 2023 argument session alongside *Biden v. Nebraska*, Case No. 22-506. The Court's grant of certiorari is attached as Exhibit 1. This development further demonstrates the importance of a prompt decision on Plaintiff's standing and motion for preliminary injunction, as emphasized in our recent briefing. *See* ECF 38 at 2, 7-8, 10-11.

December 12, 2022

Respectfully submitted,

*/s/ Markham S. Chenoweth*

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MARK CHENOWETH (KS Bar No. 20140)

General Counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that, on December 12, 2022, a true and correct copy of the foregoing was filed electronically through the Court's CM/ECF system, to be served on counsel for all parties by operation of the Court's electronic filing system.

/s/ Markham S. Chenoweth

Mark Chenoweth

# Exhibit 1

(ORDER LIST: 598 U.S.)

MONDAY, DECEMBER 12, 2022

CERTIORARI GRANTED

22-535 DEPT. OF EDUCATION, ET AL. V. BROWN, MYRA, ET AL.  
(22A489)

Consideration of the application for stay presented to Justice Alito and by him referred to the Court is deferred pending oral argument. The application for stay is also treated as a petition for a writ of certiorari before judgment, and the petition is granted. The parties are directed to brief and argue the following questions: (1) Whether respondents have Article III standing; and (2) Whether the Department's plan is statutorily authorized and was adopted in a procedurally proper manner.

The Clerk is directed to establish a briefing schedule that will allow the case to be argued in the February 2023 argument session.