

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

AMERICAN FEDERATION OF
TEACHERS, *et al.*,

Plaintiffs,

v.

SCOTT BESSENT, *et al.*,

Defendants.

Case No. 8:25-cv-430-DLB

**CONSENT MOTION TO EXTEND DEFENDANTS' DEADLINE
TO RESPOND TO PLAINTIFFS' AMENDED COMPLAINT**

Defendants respectfully move for an extension of the time to file their response to the Amended Complaint. By the government's calculation, Defendants' response is currently due April 14, 2025.

As the Court is aware, Defendants appealed to the United States Court of Appeals for the Fourth Circuit from this Court's preliminary injunction and moved for a stay of the preliminary injunction pending appeal. Yesterday, the Fourth Circuit granted the government's motion to stay the preliminary injunction. *See American Federation of Teachers, et al v. Bessent, et al.*, No. 25-1282, Dkt. 17 (4th Cir. filed Apr. 7, 2025). In addition, at the request of Judge King, the full court considered the panel's decision for initial hearing en banc and voted 8-7 to deny the request. *Id.* at 1-2; 17. The majority of the three-judge panel held that Defendants are likely to succeed on the question of standing. Judge Richardson, with Judge Agee concurring, also held that Defendants had made compelling arguments on four additional threshold issues: final agency action; APA cause of action (*i.e.*, whether the Privacy Act's damages provision qualifies as an "adequate

remedy” preventing review under the APA); Privacy Act violation; and irreparable injury. *Id.* at 13–15. The Fourth Circuit further ordered expedited briefing on the merits: Defendants’ opening brief is due on April 14, with Plaintiffs’ response due April 21, and Defendants’ reply due April 25. Oral argument is scheduled for May 5. *See* No. 25-1282, Dkt. 18 (4th Cir. Apr. 7, 2025).

In light of the ongoing appellate proceedings, and the likelihood that the Fourth Circuit resolves dispositive issues of jurisdiction on appeal, Defendants ask that the Court extend Defendants’ deadline to respond to Plaintiffs’ Amended Complaint until thirty days after the Fourth Circuit’s decision on appeal. Plaintiffs’ consent to the requested relief.

Dated: April 8, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on April 8, 2025, I electronically filed the foregoing and thereby caused a copy to be served on counsel of record.

/s/ Bradley P. Humphreys
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