IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

STATE OF NEBRASKA, STATE OF MISSOURI, STATE OF ARKANSAS, STATE OF IOWA, STATE OF KANSAS, and STATE OF SOUTH CAROLINA,	No. 4:22-cv-01040
Plaintiffs,	
v.	
JOSEPH R. BIDEN, Jr., in his official capacity as the President of the United States of America;	
MIGUEL CARDONA, in his official capacity as Secretary, United States Department of Education; and	
UNITED STATES DEPARTMENT OF EDUCATION,	
Defendants.	

PARTY STIPULATION

Plaintiff States and Defendants have entered into the following stipulation:

Provided that the Court accepts the proposed expedited schedule for resolving Plaintiffs' motion for preliminary injunction outlined below, Plaintiffs agree to withdraw their pending motion for temporary restraining order (1) in reliance on Defendants' representation that Defendants will not discharge any student loan debt pursuant to the policy challenged in this case before October 17, 2022, and (2) Defendants' agreement to file their response to Plaintiffs' motion for preliminary injunction by October 7, 2022, and to appear for a hearing on the motion for preliminary injunction during the week of October 10, 2022 (if the Court desires a hearing).

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Should the Court reject the schedule proposed below, Plaintiffs want to proceed with the motion for a temporary restraining order. Plaintiffs also clarify that by entering this stipulation, they are not waiving their right to refile a motion for temporary restraining order if changed circumstances necessitate it.

The parties propose the following expedited schedule for resolving Plaintiffs' motion for preliminary injunction:

- Defendants' response is due Friday October 7.
- Plaintiffs' reply is due Tuesday October 11.
- If the Court desires oral argument, it will schedule a hearing on Wednesday October
 12. At such a hearing, the parties anticipate submitting oral argument based on their written submissions only and not presenting witnesses.

Plaintiffs also request that the Court issue a ruling on their motion for preliminary injunction by Thursday October 13. If the Court accepts this stipulation, the parties request that the Court enter an order cancelling the October 4 hearing on Plaintiffs' motion for temporary restraining order and setting a schedule for resolving Plaintiffs' motion for preliminary injunction in accord with the parties' proposed schedule, above.

Dated: September 30, 2022

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/s/ James A. Campbell

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<u>/s/ Shannon Grammel</u> Shannon Grammel Deputy Solicitor General Office of the Kansas Attorney General 120 SW 10th Avenue, 2nd Floor Topeka, Kansas 66612 (785) 296-2215 shannon.grammel@ag.ks.gov Counsel for State of Kansas Respectfully submitted,

ERIC S. SCHMITT Attorney General of Missouri

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<u>/s/ J. Emory Smith, Jr.</u> J. Emory Smith, Jr. Deputy Solicitor General Office of the Attorney General of South Carolina P.O. Box 11549 Columbia, SC 29211 803-734-3680 ESmith@scag.gov Counsel for State of South Carolina Case: 4:22-cv-01040-HEA Doc. #: 14 Filed: 09/30/22 Page: 4 of 4 PageID #: 593

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on September 30, 2022, a true and correct copy of the foregoing and any attachments were 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 for all parties who have appeared and to be served on those parties who have not appeared in accordance with the Federal Rules of Civil Procedure or other means agreed to by the parties.

/s/ James A. Campbell James A. Campbell