

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

SID MILLER, GREG MACHA, JAMES  
MEEK, JEFF PETERS, and LORINDA  
O'SHAUGHNESSY, on behalf of themselves  
and others similarly situated,

*Plaintiffs,*

v.

THOMAS J. VILSACK, in his official  
capacity as Secretary of the U.S. Department  
of Agriculture,

*Defendant.*

Case No. 4:21-CV-595-O

**UNOPPOSED MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF  
IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION,  
ON BEHALF OF THE RURAL COALITION, THE INTERTRIBAL AGRICULTURE  
COUNCIL, NORTH CAROLINA ASSOCIATION OF BLACK LAWYERS LAND LOSS  
PREVENTION PROJECT, AND  
23 ADDITIONAL FARMING ADVOCACY ORGANIZATIONS**

Rural Coalition, Intertribal Agriculture Council, North Carolina Association of Black Lawyers Land Loss Prevention Project, Natural Resources Defense Council, Inc., Rural Advancement Fund of the National Sharecroppers Fund, Inc., National Latino Farmers and Ranchers Trade Association, American Indian Mothers, Inc., Cottage House Incorporation, Family Farm Defenders, Kansas Black Farmers Association, National Young Farmers Coalition, Oklahoma Black Historical Research Project, Inc., Operation Spring Plant, Inc., Texas Coalition of Rural Landowners, World Farmers, Inc., Farm Aid, HEAL Food Alliance, National Family Farm Coalition, Rural Advancement Foundation International-USA, National Sustainable Agriculture Coalition, California FarmLink, Community Farm Alliance, Women, Food, and

Agriculture Network, Steward Holdings, Concerned Citizens of Tillery, and Black Farmers and Agriculturalists Association respectfully request leave of this Court to submit their brief as amici curiae in opposition to Plaintiffs' motion for preliminary injunction.

Amici curiae are farmers' organizations that work with, on behalf of, or represent socially disadvantaged farmers who are eligible for emergency debt relief under Section 1005 of the American Rescue Plan Act, and who would therefore be harmed should the Court enjoin the law. More detailed information about each amicus curiae is provided in the appendix of the proposed brief.

The role of amici is to assist the court "in cases of general public interest by making suggestions to the court, by providing supplementary assistance to existing counsel, and by insuring a complete and plenary presentation of difficult issues so that the court may reach a proper decision." *Newark Branch, N.A.A.C.P. v. Town of Harrison*, 940 F.2d 792, 808 (3d Cir. 1991) (citation omitted). Federal district courts possess the inherent authority to accept amicus briefs. *See In re Bayshore Ford Truck Sales, Inc.*, 471 F.3d 1233, 1249 n.34 (11th Cir. 2006) ("[D]istrict courts possess the inherent authority to appoint 'friends of the court' to assist in their proceedings."); *United States v. Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990) ("Generally, courts have exercised great liberality in permitting an amicus curiae to file a brief in a pending case[.]").

The proposed brief of amici curiae provides the needed perspectives of minority farmers, who have been subjected to longstanding discrimination in the U.S. Department of Agriculture's assistance and loan programs; who, as a result, were in precarious financial standing even before the COVID-19 pandemic, which has only deteriorated since; and whose continued viability as farmers will be imperiled should the Court enjoin Section 1005's emergency debt-relief program.

**Certificate of Conference**

Undersigned counsel have consulted Plaintiffs' and Defendant's counsel regarding the filing of the proposed amici curiae brief, and the Parties' counsel are unopposed to this filing. Accordingly, the Rural Coalition, Intertribal Agriculture Council, North Carolina Association of Black Lawyers Land Loss Prevention Project, and 23 Additional Farming Advocacy Organizations hereby request that the Court grant leave to file their brief as amici curiae.

Date: June 30, 2021

Respectfully submitted,

/ S / -- Art Brender

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ART BENDER  
State Bar No. 02954500  
**THE BENDER LAW FIRM**  
600 Eighth Avenue  
Fort Worth, Texas 76104  
(817) 334-0171, telephone  
(817) 334-0274, telecopier  
e-mail: [mainoffice@brenderlawfirm.com](mailto:mainoffice@brenderlawfirm.com)

Keisha Stokes-Hough\* (Miss. Bar No. 103717)  
Alexandra M. Jordan\* (Ala. Bar No. 4624-X00X)  
**SOUTHERN POVERTY LAW CENTER**  
400 Washington Avenue  
Montgomery, AL 36104  
Tel: (334) 956-8200  
Fax: (334) 956-8481  
[keisha.stokeshough@splcenter.org](mailto:keisha.stokeshough@splcenter.org)  
[alexandra.jordan@splcenter.org](mailto:alexandra.jordan@splcenter.org)

*Counsel for Amici Curiae*

\*Applications for Admission *Pro Hac Vice* Pending

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30th day of June, 2021, I electronically filed the foregoing document with the Clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means and pursuant to the Federal Rules of Civil Procedure.

*/ S / -- Art Brender*

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ART BENDER