

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ALABAMA ASSOCIATION OF  
REALTORS®, *et al.*,

*Plaintiffs,*

*v.*

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, *et al.*,

*Defendants.*

Case No. 1:20-cv-03377-DLF

**PLAINTIFFS' CONSENT MOTION FOR A TEMPORARY STAY**

Plaintiffs respectfully move for a temporary stay of this case. The government consents to this motion.

1. On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136, 134 Stat. 281 (“CARES Act”). Section 4024 of the CARES Act imposed a 120-day moratorium on evictions of certain tenants. *See* AR00000973–75.

This moratorium expired on July 24, 2020.

2. On August 8, 2020, the President issued Executive Order No. 13945, directing the Secretary of the Department of Health and Human Services (“HHS”) and the Director of the Centers for Disease Control and Prevention (“CDC”) to consider a nationwide halt on the eviction of residential tenants. *See* AR00001025–27.

3. On September 4, 2020, the CDC issued the Eviction Moratorium, prohibiting landlords from evicting tenants who meet certain criteria. *See* AR00000001–11.

4. On November 20, 2020, Plaintiffs filed a complaint challenging the CDC’s Eviction Moratorium. *See* Doc. 1. Plaintiffs and Defendants have each filed motions for summary judgment, which are now fully briefed. *See* Docs. 6, 26–29.

5. The CDC's Eviction Moratorium was set to expire on December 31, 2020. *See* AR0000011. On December 27, 2020, the President signed into law the Consolidated Appropriations Act, 2021. The Act extends the Eviction Moratorium's expiration date to January 31, 2021:

The order issued by the Centers for Disease Control and Prevention under section 361 of the Public Health Service Act (42 U.S.C. 264), entitled "Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19" (85 Fed. Reg. 55292 (September 4, 2020)) is extended through January 31, 2021, notwithstanding the effective dates specified in such Order.

H.R. 133, 116th Cong., div. N, tit. V, § 502 (as signed by the President, Dec. 27, 2020).

6. On January 6, 2021, Defendants filed a partial motion to dismiss because the "Order at issue in this case now remains in effect solely by operation of an Act of Congress." ECF 32.

7. Given the imminent expiration of Congress's extension of the Eviction Moratorium at the end of this month, the Court should temporarily stay the case. *See Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) ("[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants."). Good cause exists for a temporary stay because Plaintiffs have not challenged Congress's extension of the Eviction Moratorium. Nor is there any need for the parties to expend resources litigating how Congress's extension may impact Plaintiffs' claims given its imminent expiration. By February 1, 2021, Congress's extension of the Eviction Moratorium will have expired or the new administration will have extended the Eviction Moratorium.

7. Plaintiffs propose that the parties will advise the Court as to how they wish to proceed in this case on February 8, 2021.

Wherefore, the Court should temporarily stay the case, including Plaintiffs' deadline to respond to Defendants' partial motion to dismiss.

Dated: January 7, 2021

Respectfully submitted,

*s/ Brett A. Shumate*

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2021, a true and correct copy of the foregoing was filed using the Court's CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

January 7, 2021

s/ Brett A. Shumate  
Brett A. Shumate

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**[PROPOSED] ORDER**

Upon consideration of the Plaintiffs' Consent Motion for a Temporary Stay, it is hereby ORDERED that the Motion is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' deadline to respond to Defendants' partial motion to dismiss is stayed.

IT IS FURTHER ORDERED that, on February 8, 2021, the parties shall file a joint status report advising the Court as to how they wish to proceed in this case.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Dabney L. Friedrich  
United States District Judge