

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**FAITH ACTION MINISTRY
ALLIANCE, INC.**, doing business
as **GRANT PARK CHRISTIAN
ACADEMY**,

Plaintiff,

v.

NIKKI FRIED, in her official
capacity as Florida Commissioner of
Agriculture and Consumer Services;
JOSEPH R. BIDEN, JR., in his
official capacity as President of the
United States;
THOMAS J. VILSACK, in his
official capacity as Secretary of the
U.S. Department of Agriculture;
LISA CHURCH, in her official
capacity as Chief, Bureau of Child
Nutrition Programs, Division of
Food, Nutrition and Wellness,
Florida Department of Agriculture
and Consumer Services;
NEDRA HARRINGTON, in her
official capacity as Senior
Management Analyst II, Division of
Food, Nutrition and Wellness,
Florida Department of Agriculture
and Consumer Services;
**U.S. DEPARTMENT OF
AGRICULTURE**, a federal agency;
and **UNITED STATES OF
AMERICA**,

Defendants.

Case No. 8:22-cv-01696-MSS-JSS

**Joint Motion for a Stay of
Briefing and Hearing on
Plaintiff's Motion for
Temporary Restraining Order**

**JOINT MOTION FOR A STAY OF BRIEFING AND HEARING ON
PLAINTIFF’S MOTION FOR TEMPORARY
RESTRAINING ORDER**

All parties jointly move the Court for a stay of the briefing and pre-hearing deadlines and a continuance of the hearing date on Plaintiff’s Motion for a Temporary Restraining Order set forth in the Court’s Order of August 4, 2022. ECF 23.

On August 3, 2022, Grant Park Christian Academy moved the Court for a time-sensitive relief. ECF 21. Its motion stated, “At the behest of federal officials, Commissioner Fried is poised to block Grant Park Christian Academy’s school lunch funding and not accept the school into the school lunch program for the school year starting on August 10, 2022.” *Id.* This Court scheduled a response brief for Monday, August 8, 2022, pre-hearing submissions for August 9, 2022, and scheduled a hearing for Thursday, August 11, 2022. ECF No. 23.

Today, Friday, August 5, 2022, state officials informed Grant Park Christian Academy that the school would be allowed to continue participating in the National School Lunch Program upon Grant Park Christian Academy’s imminent completion of the National School Lunch Program application requirements. In addition, attorneys for the United States Department of Justice, authorized to make representations on behalf of the United States Department of Agriculture (USDA), acknowledged that Grant Park Christian

Academy qualifies for a religious exemption under Title IX of the Education Amendments of 1972 and issued a written letter confirming the school's religious exemption on Friday, August 5, 2022. The General Counsel for the Florida Department of Agriculture and Consumer Services (FDACS) assured the school that FDACS intends to respect that religious exemption.

These developments will permit Grant Park Christian Academy to serve lunches to its student body on the first day of school next Wednesday and will remove the need for a hearing on August 11, 2022.

The parties will confer further next week to identify whether any issues remain in dispute. Following that conference, the parties will notify the Court whether further briefing or motion practice will be necessary.

LOCAL RULE 3.01(G) CERTIFICATION

All parties conferred and jointly move the court on the entirety of the motion.

Respectfully submitted this August 5, 2022.

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