

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DISTRICT OF COLUMBIA, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF AGRICULTURE,  
*et al.*,

Defendants.

Civil Action No. 20-119 (BAH)

Chief Judge Beryl A. Howell

BREAD FOR THE CITY, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF AGRICULTURE,  
*et al.*,

Defendants.

**ORDER**

Upon consideration of the two pending motions for preliminary injunction or a stay pending judicial review, State Pls.’ Mot. for Prelim. Inj. or 5 U.S.C. § 705 Stay Pending Judicial Review, ECF No. 3; Pls.’ Mot. for Prelim. Inj., *Bread For the City, et al. v. U.S. Dep’t of Agric., et al.*, 20-cv-127, ECF No. 4; the memoranda in support and opposition to those motions, and the exhibits thereto; the arguments presented at the hearing held on March 5, 2020; the Final Rule, *see* Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents, 84 Fed. Reg. 66782 (Dec. 5, 2019); and the full record herein, it is hereby

**ORDERED** that the state plaintiffs’ motion is GRANTED IN PART AND DENIED IN PART; and it is further

**ORDERED** that the state plaintiffs' and private plaintiffs' motions for a preliminary injunction and a stay pending judicial review are GRANTED as to the challenged waiver portions of the Final Rule; and it is further

**ORDERED** that the defendants shall be PRELIMINARILY ENJOINED from implementing the challenged waiver portions of the Final Rule, *see* 84 Fed. Reg. at 66811 (printing parts of the regulation to be codified, including the challenged waiver portions: § 237.24 (f)(2) and (f)(4)); and it is further

**ORDERED** that the effective date of the challenged waiver portions of the Final Rule shall be stayed under 5 U.S.C. § 705 pending judicial review; and it is further

**ORDERED** that the state plaintiffs' motion for a preliminary injunction and a stay pending judicial review is DENIED as to the challenged discretionary exemption portion of the Final Rule, *see* 84 Fed. Reg. at 66811–12 (printing parts of the regulation to be codified, including the challenged discretionary exemption portions: § 237.24 (h)(2)).

Date: March 13, 2020

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BERYL A. HOWELL  
Chief Judge