

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CATO INSTITUTE

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION;

MIGUEL CARDONA, Secretary, U.S.
Department of Education, in his official capacity;

RICHARD CORDRAY, Chief Operating Officer
of Federal Student Aid, Department of
Education, in his official capacity;

JOSEPH R. BIDEN, President of the United
States, in his official capacity;

Defendants.

CIVIL CASE NO. 22-CV-4055

**MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Plaintiff Cato Institute move this Court for a temporary restraining order (TRO) and preliminary injunction under Federal Rule of Civil Procedure 65 to prevent Defendants from implementing or enforcing the One-Time Student Loan Debt Relief program, which may have already begun on October 17, 2022. In support of this motion, Plaintiff relies on its Complaint filed in this action, the Declaration of Peter Goettler attached as Exhibit 1 to the Complaint, and the accompanying memorandum of law. Plaintiff respectfully requests that the TRO be issued forthwith to halt the cancellation of any student-loan debt and that it remain in place until the Court rules on its motion for preliminary injunction, and further requests expedited briefing and consideration of its motion for a preliminary injunction. Counsel for Plaintiff represents that they have made good faith

efforts to contact the United States Attorney's Office to provide prior telephonic and email notice to Defendants of Plaintiff's intention to seek the relief requested herein (and will continue to do so) but thus far Plaintiff's counsel have been unsuccessful in making "live" contact through those channels. A proposed order will be submitted to chambers by email pursuant to Local Rule 5.4.4(e).

October 21, 2022

Respectfully submitted,

/s/ Markham S. Chenoweth

MARK CHENOWETH (KS Bar No. 20140)

General Counsel

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Litigation Counsel

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Senior Litigation Counsel

Attorneys for Plaintiff Cato Institute

NEW CIVIL LIBERTIES ALLIANCE

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CERTIFICATE OF SERVICE

I hereby certify that, on October 21, 2022, a true and correct copy of the foregoing 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.

The following parties will be served through certified mail:

Joseph R. Biden
President of the United States
1600 Pennsylvania Ave NW
Washington, DC 20500

Miguel Cardona
Secretary, U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

Richard Cordray
Chief Operating Officer, Federal Student Aid, U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

Merrick Garland
Attorney General, Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

The following parties will be served by hand:

Duston J. Slinkard
United States Attorney for the District of Kansas
500 State Ave Suite 360
Kansas City, Kansas 66101

/s/ Markham S. Chenoweth
Mark Chenoweth