

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

DEFY VENTURES, INC., *et al.*,

Plaintiffs,

v.

**U.S. SMALL BUSINESS
ADMINISTRATION, *et al.*,**

Defendants.

CASE NO.:

**PLAINTIFFS' EMERGENCY MOTION
FOR PRELIMINARY INJUNCTION**

Plaintiffs, through their undersigned counsel and pursuant to Federal Rule 65, hereby move this Court for a preliminary injunction, and state as follows:

The grounds for this Motion are set forth in the Memorandum of Law simultaneously filed herewith, as well as the Verified Complaint filed in this matter.

WHEREFORE, Plaintiffs respectfully request that this Court:

A. Preliminarily enjoin the challenged criminal-record exclusion provisions of the interim final rule ("IFR"), as modified on June 12, 2020, and the application form, republished on June 12, 2020, enjoin Defendants from enforcing such provisions, and extend the application deadline 21 days, to July 21, 2020, for applicants wrongfully excluded under the Small Business Administration's and the U.S. Department of the Treasury's unlawful implementation of the CARES Act.

B. Direct that Defendants not authorize, guaranty, or disburse funds appropriated for loans under the Paycheck Protection Program without reserving sufficient funds to cover applicants wrongfully excluded under the challenged terms of the IFR and the application form, in an amount to be determined based on SBA data and submitted by the SBA to this Court for approval.

Dated: June 16, 2020

Respectfully submitted,

/s/ Kali N. Bracey

Kali Bracey (Federal Bar No. 20752)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 16th day of June 2020, Motion for Emergency Preliminary Injunction, Memorandum in Support, and Proposed Order were served via the Court's CM/ECF system on all counsel of record in accordance with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Maryland.

/s/ *Kali N. Bracey*

Kali Bracey (Bar No. 20752)