

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIASHONICE G. GARNETT, *et al.*,

Plaintiffs,

v.

LAURA ZEILINGER,

Defendant.

Civil Action No. 17-1757 (CRC)

**DEFENDANT'S CROSS-MOTION FOR SUMMARY JUDGMENT AND
OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

The District of Columbia (the District)¹ moves for summary judgment and opposes plaintiffs' motion for summary judgment. Fed. R. Civ. P. 56(a). As set forth in the accompanying memorandum of points and authorities, the District has demonstrated over the course of the past year-and-a-half that it is timely processing initial and recertification applications for Supplemental Nutrition Assistance Program (SNAP) benefits, with statistical timeliness rates and notice pass rates consistently at or above 95%. The Court has recognized that this rate is sufficient to meet the statutory requirement; perfection is not required to avoid liability. Any imperfections in the District's administration of SNAP are *de minimis* and adequately addressed by the extensive and ongoing oversight of the Food and Nutrition Service (FNS) of the United States Department of Agriculture.

¹ Defendant is Laura Zeilinger, sued in her official capacity as the Director of the District of Columbia Department of Human Services (DHS). Defendant is referred to throughout as "the District."

Plaintiffs' attempts to undermine the District's statistics are unavailing, and the Court should deny their request for permanent injunctive relief. Plaintiffs fail to grapple with the District's host of policies, practices, and procedures to effect the timely processing of SNAP applications and the distribution of required notices. Instead, plaintiffs present a misguided challenge to the District's statistics, based on misunderstandings of how those statistics are collected and confirmed. The fact is that the District's data collection practices are sound, as confirmed by the District's day-to-day efforts and FNS's stringent oversight. Court oversight is therefore unnecessary and would be counterproductive given FNS's involvement in the District's administration of SNAP, providing a more than adequate check to ensure the District remains in compliance with its obligations.

Thus, the Court should grant summary judgment in favor of the District, and deny plaintiffs' motion for summary judgment. A proposed order is attached.

Dated: March 13, 2020.

Respectfully submitted,

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