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Attorney for the Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

CITY OF SALEM,

Plaintiff,

v.

MARKWAYNE MULLIN in his official capacity as Secretary of the U.S. Department of Homeland Security; the U.S. DEPARTMENT OF HOMELAND SECURITY; ROBERT J. FENTON JR. in his official capacity as Senior Official Performing the Duties of the Administrator of the Federal Emergency Management Agency; and the FEDERAL EMERGENCY MANAGEMENT AGENCY,

Defendants.

Case No. 6:26 cv-01340-MC

JOINT MOTION FOR ENTRY OF SCHEDULING ORDER

JOINT MOTION FOR ENTRY OF SCHEDULING ORDER

The parties, by and through their undersigned counsel, respectfully move the Court to enter a scheduling order with the agreed-upon deadlines proposed below, and state:

1. Plaintiff filed the instant action on June 30, 2026 and moved for a preliminary injunction on July 15, 2026. ECF Nos. 1, 14. Plaintiff objects to conditions that included in Defendants' fiscal year (FY) 2025 and FY 2026 Notices of Funding Opportunities ("NOFOs") and assert Administrative Procedure Act (APA) and constitutional claims for relief. *See* ECF No. 14 at 4-8.

2. On August 20, 2026, the Court issued an Opinion and Order granting in Plaintiff's motion for preliminary injunction, finding that Plaintiff's constitutional and APA claims were likely to succeed on the merits. *See* ECF No. 32 at 16, 24.

3. Having reviewed the Court's Order, the parties anticipate that this case may be adjudicated on cross-motions for summary judgment after the administrative record is provided.

4. The parties further agree that Defendants' obligation to answer or otherwise respond to the Complaint is stayed pending the Court's ruling on the parties' cross-motions for summary judgment. The parties also agree that Defendants' decision not to file an answer at this time shall not be construed as a waiver of any affirmative defenses available to Defendants under applicable law, nor shall it be deemed an admission of any allegation contained in the Complaint.

5. The parties further respectfully request that the Court order that, by September 15, 2026, the parties shall submit a status report, including a proposal for how the case should proceed.

Dated: September 8, 2026

Respectfully submitted,

SCOTT E. BRADFORD
United States Attorney

/s/ Cameron Perla
CAMERON PERLA
Assistant United States Attorney

/s/ Tsechu Dolma
TSECHU DOLMA
Assistant United States Attorney

/s/ *Jamie Lisagor*
Jamie Lisagor
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