

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CARMEN'S CORNER STORE, *et al.*,

Plaintiffs,

v.

UNITED STATES SMALL BUSINESS
ADMINISTRATION, *et al.*,

Defendants.

No. 1:20-cv-1736-CCB

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

Plaintiffs,

v.

UNITED STATES SMALL BUSINESS
ADMINISTRATION, *et al.*,

Defendants.

No. 1:20-cv-1838-CCB

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF
THEIR OPPOSITION TO PLAINTIFFS' MOTIONS FOR
TEMPORARY RESTRAINING ORDERS OR PRELIMINARY INJUNCTIONS**

Dated: June 25, 2020

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The United States Small Business Administration, et al. (“Defendants”) respectfully submit as supplemental authority the recent decision in *Tradeways, Ltd. v. U.S. Dep’t of the Treasury*, Civil Action No. ELH-20-1324, 2020 WL 3447767 (D. Md. June 24, 2020) (*attached*). The decision did not come to the attention of the undersigned counsel until after the filing of Defendants’ opposition to Plaintiffs’ motions for temporary restraining orders or preliminary injunctions.* In *Tradeways*, the District Court denied the plaintiff’s motion for a preliminary injunction, and rejected the plaintiff’s contentions that “it is likely to show that the SBA’s decision,” in an Interim Final Rule, “to disqualify bankruptcy debtors from the PPP contravenes the CARES Act” or “is arbitrary and capricious.” 2020 WL 3447767 at *7. The District Court’s rejection of the plaintiff’s contentions under the Administrative Procedure Act provide further support for Defendants’ opposition here. *See id.* at *11-16.

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Respectfully submitted,

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* Defendants’ counsel notified Plaintiffs’ counsel this morning of the decision in *Tradeways* and Defendants’ intention to file this notice of supplemental authority.