

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

ELIZABETH BARBER, on behalf of herself
and all others similarly situated,

Plaintiffs,

v.

ELISABETH DeVOS, in her official
capacity as United States Secretary
of Education, and UNITED STATES
DEPARTMENT OF EDUCATION,

Defendants.

Civil Action No. 1:20-cv-01137-CJN

JOINT STATUS REPORT

Pursuant to the Court's minute order of May 8, 2020, the parties hereby submit the following Joint Status Report:

1. The parties are meeting and conferring regarding the possibility of resolving Plaintiffs' Amended Motion to Certify Class (ECF No. 10) and Motion for a Preliminary Injunction (ECF No. 11) without the need for briefing or resolution by the Court.

2. Defendants state that they are continuing to endeavor to halt all wage garnishments authorized under section 488A of the Higher Education Act of 1965 (20 U.S.C. § 1095a) or section 3720D of title 31, United States Code, as required by section 3513(e) of the CARES Act. As of March 13, 2020, there were approximately 390,000 borrowers subject to wage garnishment. As of May 7, 2020, there are approximately 54,000 borrowers still subject to wage garnishment.

3. At present, the parties are discussing that, for a period of time, Defendants will provide periodic reports on the status of these efforts in lieu of further briefing and consideration

of the Motion for Preliminary Injunction [Dkt. 11]. The parties are still discussing the timing, format, and content of these reports.

4. The parties are also discussing possible resolution of Plaintiffs' class certification motion or the scheduling of briefing that motion.

5. In light of these developments, the parties propose filing a further status report on Thursday, May 14, 2020, setting forth the outcome of these discussions and, if briefing on either motion is necessary, proposing a briefing schedule at that time. The status report will also address the need for a hearing, a proposed date for any such hearing, and whether there are any factual disputes that require an evidentiary hearing. *See* May 8, 2020, Minute Order.

6. Because under the Local Rules Defendants' response to Plaintiff Craigory Lee Jenkins' Motion for Preliminary Injunction is due May 14, 2020, the parties request that that deadline be stayed. The Parties will supplement their positions with respect to staying the Motion for Preliminary Injunction in the May 14 status report, pending an agreement on the timing, format, and content of the periodic reporting.

Dated: May 11, 2020

/s/Alexander S. Elson

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Respectfully submitted,

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