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October 19, 2022

Michael Gans
Clerk, United States Court of Appeals for the Eighth Circuit
Thomas F. Eagleton Courthouse
111 South 10th Street, Room 24.329
St. Louis, MO 63102

Re: *Dylan Brandt, et al., v. Leslie Rutledge, et al.*, Case No. 21-2875

Dear Mr. Gans:

Defendants-Appellants write to provide the en banc Court with additional information regarding the proceedings below. Defendants stated in their en banc petition that trial was set to begin on October 17, 2022. *See* Pet. at 15. Trial was scheduled for ten days. On October 17, the district court informed the parties for the first time that it will recess after October 21. It is Defendants' understanding that trial will resume the week of November 28.

Trial will now close in early December, and additional time will still be needed for the parties to draft post-trial briefing and the district court to draft its decision. Thus, the en banc Court will have sufficient time to consider the issues raised in this appeal before the preliminary injunction becomes moot.

Sincerely,

/s/ Dylan L. Jacobs

Dylan L. Jacobs
Deputy Solicitor General

CERTIFICATE OF SERVICE

I certify that on October 19, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to any CM/ECF participants.

/s/ Dylan L. Jacobs
Dylan L. Jacobs