

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

ULTIMA SERVS. CORP.,)
)
) Plaintiff,) 2:20-CV-00041-DCLC-CRW
)
) v.)
)
) U.S. DEP'T OF AGRIC., *et al.*,)
)
) Defendants.)
)
)

ORDER

This matter is before the Court on the parties' cross-Motions for Summary Judgment [Docs. 60, 61]. The Court notes that the parties rely on *Grutter v. Bollinger*, 539 U.S. 306 (2003) for a number of propositions in their filings related to their motions. Similarly, Sixth Circuit precedents on the issues raised by the parties rely on the Supreme Court's decision in *Grutter*. See, e.g., *Vitolo v. Guzman*, 999 F.3d 353 (6th Cir. 2021). The Supreme Court currently is considering whether to overrule *Grutter* in a pair of cases challenging the use of race-conscious admissions processes by institutions of higher education. See *Students for Fair Admissions, Inc. v. University of North Carolina, et al.*, 142 S. Ct. 896 (2022) (Mem). Although those cases arise in a different context than the issues presented in the instant matter, *Grutter* remains influential for cases concerning the use of race-based methods by government actors.

Accordingly, the parties are **DIRECTED** to file supplemental letters addressing whether a potential decision by the Supreme Court overruling *Grutter* would impact the issues in this case and, if so, whether this matter should remain stayed until the Supreme Court releases its decision in the above-referenced cases. The parties' letters must be no longer than five pages and filed by **December 22, 2022**.

SO ORDERED:

s/ Clifton L. Corker

United States District Judge