

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

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ULTIMA SERVICES CORPORATION, :

Plaintiff, :

-against- :

U.S. DEPARTMENT OF AGRICULTURE, :
U.S. SMALL BUSINESS ADMINISTRATION, :
SECRETARY OF AGRICULTURE, and ADMINISTRATOR :
OF THE SMALL BUSINESS ADMINISTRATION, :

Defendants. :

No. 2:20-cv-00041-
DCLC-CRW

MOTION

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PLAINTIFF’S MOTION FOR ADDITIONAL EQUITABLE RELIEF

Plaintiff Ultima Services Corporation (“Ultima”) hereby moves, pursuant to this Court’s September 1, 2023 order (Doc. 92), for additional equitable relief as outlined in the accompanying supporting memorandum. Specifically, Ultima request this Court to (1) make clear that its prior injunction (a) enjoins defendants from exercising options or making similar modifications to Section 8(a) Program contracts with contractors that received the rebuttable presumption and (b) precludes the SBA from providing a shortened or less rigorous review of narratives of social disadvantage than was applied to submission of evidence under Section 124.103(c) prior to this Court’s July 19 injunction, (2) enjoin defendants from using the Section 8(a) Program in the administrative and technical support industry, and (3) either appoint a monitor to review the SBA’s certification of 8(a) participants that previously had received the benefit of the rebuttable presumption or make the narrative essays of social disadvantage (and the SBA’s decision with respect to each of them) public with appropriate redaction of identifying information.

In addition, Ultima requests that this Court temporarily enjoin (until a resolution of this motion for additional relief) defendants from awarding, completing, modifying, or exercising options on any contracts through the Section 8(a) Program to 8(a) participants who received the benefit of the rebuttable presumption (regardless of whether the SBA subsequently approved a “narrative of

social disadvantage”).

In support of its motion, Ultima relies upon the accompanying memorandum of law and the supplemental statement of Michael Rosman.

Respectfully submitted,

/s/ Michael E. Rosman
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