



**NAMC**  
NATIONAL ASSOCIATION OF  
MINORITY CONTRACTORS



**May 30, 2025**

**To: NAMC Members**

**After Judge Grants Right to NAMC and a Coalition of DBE Businesses and Advocacy Groups to Intervene, Plaintiffs Petition the Court for Settlement. The Coalition Files an Objection.**

On May 29, attorneys for NAMC and a coalition of businesses filed an objection in opposition as intervenor DBEs to the plaintiff's settlement request to give these groups a chance to participate in the process.

The coalition—the **National Association of Minority Contractors, Women First National Legislative Committee, Airport Minority Advisory Council, Illinois Chapter of Women Construction Owners & Executives, Atlantic Meridian Contracting Corporation, and Upstate Steel, Inc.**—represents businesses that depend on the DBE Program to compete on a level playing field for access to federal transportation contracts.

As you may be aware, the case is *Mid-America Milling Co. v. U.S. Department of Transportation*, and the coalition is represented by **Democracy Forward, the Minority Business Enterprise Legal Defense and Education Fund (MBELDEF), and Wyatt, Tarrant & Combs LLP.**

The settlement is still subject to challenge by NAMC and the Coalition which was previously granted the right by the court to intervene in the case. We at NAMC argue that the program is essential for removing barriers that socioeconomically disadvantaged minorities, white males, and women face in the federal government contracting sector, which serves roughly 50,000 businesses designated as “disadvantaged”.

**Notice of Intent to File Response in Objection Attached**

**Court Grants Intervention to NAMC and Minority-, Women-Owned Business Groups Defending Disadvantaged Business Enterprise Program**

**Frankfort, KY** — In a critical win for equity in public contracting, the U.S. District Court of the Eastern District of Kentucky granted a coalition of minority- and women-owned businesses and trade organizations the right to intervene to defend the constitutionality of the U.S. Department of Transportation's (DOT) Disadvantaged Business Enterprise Program (DBE).

The DBE Program is designed to remedy the effects of historic and ongoing discrimination in public contracting by ensuring that businesses owned by socially and economically disadvantaged individuals have a fair shot at federal transportation work.

The lawsuit, *Mid-America Milling Co. v. DOT*, was filed by groups seeking to eliminate race- and gender-conscious elements of the DBE Program. In September 2024, the court issued a preliminary injunction that restricted the use of DBE contract goals in states where the plaintiffs operate.

“Minority- and women-owned businesses have been burdened by discrimination for centuries. It is both legally right and morally necessary for the government and the private sector to take action to remedy that discrimination,” said **Sarah von der Lippe, counsel for the Minority Business Enterprise Legal Defense and Education Fund**. “The participation in this case is essential to allowing minority- and women-owned businesses to fight for themselves and their communities, and we are pleased that the court will allow their voices to be heard.”

“This decision is an important step forward in the hearing of minority- and women-owned businesses who want to ensure that Congress’s laws creating and maintaining the longstanding ‘Disadvantaged Business Enterprise’ contracting program are preserved,” said **Douglas L. McSwain of Wyatt, Tarrant & Combs**. “They will have the opportunity to demonstrate that the program is important and needed to help prevent ongoing discriminatory practices.”

The court’s decision affirms that the coalition has a direct and substantial interest in the case and cannot rely on the federal government to adequately defend the program, particularly as the administration has been showing a reversal in its litigation posture.

[Read the Decision Here](#)

Members can contact the national office with questions or comments. Please notify us of any contract or workforce violations in your region.

Respectfully,

**Wendell R. Stemley, CMAA**

National President

National Association of Minority Contractors (NAMC)

***NAMC is on the frontline from the courthouse to the White House defending diversity as a plaintiff or by providing testimony locally and nationally.***

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION AT FRANKFORT**

|                                 |   |  |
|---------------------------------|---|--|
| MID-AMERICA MILLING COMPANY,    | ) |  |
| LLC, <i>et al.</i> ,            | ) |  |
|                                 | ) |  |
| Plaintiffs,                     | ) |  |
|                                 | ) |  |
| v.                              | ) | <b>Case No. 3:23-cv-00072-GFVT-EBA</b> |
|                                 | ) |  |
| UNITED STATES DEPARTMENT OF     | ) |  |
| TRANSPORTATION, <i>et al.</i> , | ) |  |
|                                 | ) |  |
| Defendants.                     | ) |  |

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**NOTICE OF INTENT TO FILE RESPONSE IN OPPOSITION**

Intervenor DBEs—National Association of Minority Contractors, Women First National Legislative Committee, Airport Minority Advisory Council, the Illinois Chapter of Women Construction Owners & Executives, Atlantic Meridian Contracting Corp., and Upstate Steel, Inc.—respectfully submit this Notice of their intent to file, pursuant to LR 7.1(c), a Response in Opposition to the Joint Motion for Entry of Consent Order filed by Plaintiffs and Defendants on May 28, 2025. ECF No. 82. On May 21, 2025, this Court granted Intervenor DBEs’ Motion to Intervene. ECF No. 78. The movants who filed the Joint Motion did not consult Intervenor DBEs prior to filing same. *See* ECF No. 82 at 2.

Intervenor DBEs intend to file their Response in Opposition within the time frame set out in LR 7.1(c)—i.e., on or before June 18, 2025.

Dated: May 29, 2025

Respectfully submitted,

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*Counsel for Intervenor DBEs*

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**CERTIFICATE OF SERVICE**

Pursuant to Federal Rule of Civil Procedure 5(d)(1)(B), service of the foregoing and accompanying proposed order is made on all parties of record through the Court's electronic service system.

Dated: May 29, 2025

/s/ Brooke Menschel  
Brooke Menschel  
*Counsel for Intervenor DBEs*