

No. 16-2424

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EQUAL OPPORTUNITY EMPLOYMENT COMMISSION,

Plaintiff-Appellant,

AIMEE STEPHENS,

Intervenor,

v.

R.G. & G.R. HARRIS FUNERAL HOMES, INC.,

Defendant-Appellee.

On Appeal from the United States District Court
for the Eastern District of Michigan
Civil Case No. 2:14-cv-13710 (Honorable Sean F. Cox)

**R.G. & G.R. HARRIS FUNERAL HOMES, INC.'S MOTION
REQUESTING ORAL ARGUMENT**

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Defendant-Appellee, R.G. & G.R. Harris Funeral Homes, Inc. through its undersigned counsel respectfully requests that the Court schedule oral argument in this matter. Defendant-Appellee timely filed its Responsive Brief on May 17, 2017, but inadvertently selected “argument not requested” during the ECF filing process. Defendant-Appellee requests oral argument in this matter because this case involves several important and complex issues of law. First, this case raises the important issue of whether the even-handed enforcement of a sex-specific dress code that imposes equal burdens on the sexes may nonetheless constitute discrimination “because of . . . sex” in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a), under the sex-stereotyping theory set forth in *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989). Second, this case raises the significant issue of whether the Religious Freedom Restoration Act of 1993, 42 U.S.C. §§ 2000bb *et seq.*, is a defense to an EEOC enforcement action when enforcing Title VII would compel the owner of a closely held business to stop operating his company in accordance with his religious convictions. Finally, Appellants seek to expand the scope of Title VII to prohibit discrimination based on transgender or gender-transitioning status. This case thus raises the important issue of the original meaning and limits of Title VII’s prohibition of discrimination “because of . . . sex.” 42 U.S.C. § 2000e-2(a).

Dated this 18th day of May, 2017.

Respectfully submitted,

s/ Douglas G. Wardlow

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CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2017, I filed the foregoing document, entitled R.G. & G.R. Harris Funeral Homes, Inc.'s Motion Requesting Oral Argument, through the Court's ECF system, which will effectuate service on all parties.

s/ Douglas G. Wardlow
Douglas G. Wardlow
Counsel for Defendant-Appellee