

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUG-2 A 9:56
CLERK [Signature]
SO. DIST. OF GA.

JAMEKA K. EVANS,

Plaintiff,

v.

Case No. CV415-103

GEORGIA REGIONAL HOSPITAL, et al.,

Defendants.

**PLAINTIFF JAMEKA EVANS' MOTION FOR STAY OF PROCEEDINGS
PENDING U.S. SUPREME COURT ACTION**

I, Plaintiff Jameka Evans, respectfully move this Court to enter a stay of proceedings in light of the petition for certiorari I will file in the United States Supreme Court. On July 6, 2017, the Eleventh Circuit denied my petition for

rehearing en banc, and subsequently issued its mandate. This Court entered an order (Dkt. 23) directing me to file an amended complaint on or before August 9.

I respectfully ask the Court to stay of proceedings until the certiorari petition I will file is decided by the Supreme Court (and, if granted, until the High Court's resolution thereof). I can represent to the Court both (a) that my lawyer in the appellate proceedings, Gregory R. Nevins,¹ intends to file the certiorari petition well before the October 4 deadline, and hopefully in early September; and (b) that Mr. Nevins has discussed this request with the Attorney General's office, because that office generally represents Georgia Regional Hospital, and that office reiterates its position that the defendants are unserved parties, as such, counsel can neither consent to or nor oppose the request on behalf of the parties.

Attached as an exhibit is an order of the Southern District of New York in *Christiansen v. Omnicom Group, Inc.*, granting similar relief. There, the appellate panel's ruling left the District Court in the exact posture this Court faces: moving forward with plaintiff allegations limited to gender stereotyping, while further

¹ Although Lambda Legal attorney Gregory R. Nevins accepted this Court's appointment to represent Ms. Evans on appeal to the Eleventh Circuit (Dkt. 12), a court to which he long has been admitted, I remain pro se in this Court, as the Court only granted Mr. Nevins' motion to appear pro hac vice in this proceeding to represent amicus Lambda Legal (Dkt. 8).

appellate proceedings may result in entertaining allegations about sexual orientation bias by the employer. *See Christiansen v. Omnicom Group, Inc.*, 852 F.3d 195 (2d Cir. 2017).

While I cannot represent that the Supreme Court will grant the certiorari petition, it will be a substantial petition by objective standards. There is the starkest of circuit splits, with one circuit already ruling en banc in favor of the coverage position (*Hively v. Ivy Tech Community Coll.*, 853 F.3d 339 (7th Cir. 2017) (en banc)), and another granting rehearing en banc to reconsider its contrary position (*Zarda v. Altitude Express, Inc.*, 855 F.3d 76 (2d Cir. 2017), *reh'g en banc granted*, No. 15-3775, Dkt. No. 271 (May 25, 2017)); while the Eleventh Circuit opted to stand by its contrary position. However, judges on both sides of the coverage position agree on one thing: that the issue is very important, worthy of resolution by the Supreme Court. *Hively*, 853 F.3d at 343 (noting the court's agreeing to rehear the case en banc "[i]n light of the importance of the issue"); *id.* at 359 (Sykes, J., dissenting) ("Any case heard by the full court is important. This one is momentous."); *Christiansen*, 852 F.3d at 202 (Katzmann, C.J., concurring) (urging en banc reexamination of anti-coverage precedent "especially in light of the changing legal landscape that has taken shape in the nearly two decades since

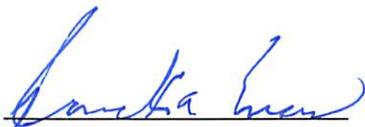
Simonton issued.”); *id.* at 207 (“Other federal courts are also grappling with this question, and it well may be that the Supreme Court will ultimately address it.”).

CONCLUSION

I respectfully request the Court stay proceedings until the certiorari petition is decided, and if granted, until the proceedings in the Supreme Court conclude. In the alternative, given the present circumstances, I ask minimally for at least an extension of time to file an amended complaint, to September 11, 2017.

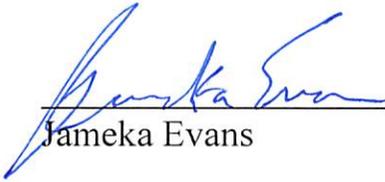
DATED: August 1, 2017

Respectfully submitted,

By: 
Jameka Evans
Plaintiff

CERTIFICATION OF SERVICE

This is to certify that on August 1, 2017, a copy of this Motion was sent via U.S. Postal Service to the respondents at Georgia Regional Hospital, *et, al.*, 1915 Eisenhower Drive, Savannah, GA 31406, and by hand delivery to Gregory R. Nevins, Lambda Legal, 730 Peachtree St. NE, Suite 640, Atlanta, GA 30308.



Jameka Evans

Exhibit A

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: July 18, 2017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
MATTHEW CHRISTIANSEN, :
:
Plaintiff, :
v. :
:
OMNICOM GROUP, INC., *et al.*, :
:
Defendants. :
-----X

15 Civ. 3440 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of the Second Circuit’s mandate in this matter and has directed the Clerk of Court to reopen this case. The Court hereby STAYS this matter pending the Second Circuit’s resolution of *Zarda v. Altitude Express, Inc.*, 855 F.3d 76 (2d Cir. 2017), *reh’g en banc granted*, No. 15-3775 (2d Cir. May 25, 2017). The parties shall file a joint letter updating the Court within seven days of the Second Circuit’s resolution of the *Zarda* matter.

SO ORDERED.

Dated: July 18, 2017
New York, New York

KATHERINE POLK FAILLA
United States District Judge