

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

JOHN DOE, a minor, by his parents
and next friends, SUSAN AND JACK
DOE,

Plaintiff,

Case No. 6:18-CV-102-RBD-GJK

v.

VOLUSIA COUNTY SCHOOL BOARD,

Defendant.

PARTIES' JOINT MOTION FOR STAY

Plaintiff John Doe, by his parents and next friends, Susan and Jack Doe (“Plaintiff”), and Defendant, The School Board of Volusia County, Florida¹ (“School Board”), pursuant to Fed. R. Civ. P. Rule 16(b)(4), move the Court for a 30-day stay of the proceedings (until July 19, 2018) in this case to allow the parties to conduct discussions to resolve the matter without the need of Court action. The parties further propose that to the extent that a resolution is not finalized on or before July 19, 2018, the Parties file a joint status report apprising the Court of the status of their discussions or propose a new expedited case management schedule. In support of this Joint Motion, the Parties state as follows:

1. On April 4, 2018, this Court entered an order denying Plaintiff’s motion for preliminary injunctive relief, and issued an expedited amended case management schedule which set a bench trial for October 1, 2018 (Dkt 47); (Dkt 41). The Parties have been diligently engaging in discovery.

¹ § 1001.40, Fla. Stat. (2018).

2. On May 25, 2018 Plaintiff provided the Defendant John Doe's amended State of Florida birth certificate identifying his sex as male. Based on the change in the birth certificate, the Defendant, following its normal process, notified Plaintiff on June 13, 2018 that Defendant will permit Plaintiff to use the communal boys' restrooms and locker rooms in its schools based on this change. As a result, the Defendant contends that injunctive relief is not necessary.

3. At this time, the Parties are engaged in discussions to explore the possibility of resolving the issues raised in the Complaint without the Court's involvement. The Parties are optimistic that a final resolution of this action will be reached, but the Parties need additional time to negotiate final terms and memorialize in a written agreement. The terms of any written agreement would need to be approved by the Defendant's school board during a properly noticed public meeting.

4. Accordingly, the Parties respectfully request a 30-day stay of the proceedings and all deadlines to continue their resolution discussions without the burden of also having to simultaneously finalize discovery, which will include completing written discovery, resolving discovery disputes, retaining experts, finalizing expert reports, and deposing approximately ten fact witnesses and several expert witnesses, in accordance with the expedited schedule.

5. If a final resolution is not reached on or before July 19, 2018, the Parties shall file a joint status report apprising the Court of the status of their discussions or propose a new expedited case management schedule and new trial date.

6. In accordance with the Court's initial case management order (Dkt 41), counsel for both Parties certify that their respective clients have been informed of and agree with the relief sought in this Joint Motion, including that if a resolution is not reached during the stay that the present trial date of October 1, 2018 will be continued.

7. No previous motions to stay have been filed.

8. This Joint Motion is made in good faith and not for the purposes of delay, and the relief requested will not cause prejudice to either party.

Memorandum of Law

Pursuant to Fed. R. Civ. P. Rule 16(b)(4), the Parties respectfully request this Court to exercise its broad discretion and grant this Joint Motion to Stay. Clinton v. Jones, 520 U.S. 681, 706-707, 117 S. Ct. 1636, 1650 (1997) (citations omitted). As discussed above, the Joint Motion sets forth good cause to stay the proceeding as the Parties are actively engaged in productive discussions to resolve this matter without need of Court action..

WHEREFORE, the Parties jointly request this Court enter an Order providing: 1) the proceedings and all deadlines in the case are stayed for 30 days (until July 19, 2018) so that the Parties may continue resolution discussions; and 2) to the extent the Parties are unable to reach a final resolution on or before July 19, 2018, the Parties shall file a joint status report apprising the Court of the status of their discussions or propose a new expedited case management schedule.

Dated: June 19, 2018

Respectfully submitted,

/s/ Thomas M. Gonzalez

Thomas M. Gonzalez
Florida Bar No. 192341
Nathan J. Paulich
Florida Bar No. 85190
THOMPSON, SIZEMORE, GONZALEZ
& HEARING, P.A.
201 North Franklin Street, Suite 1600
Tampa, Florida 33602
Mail: P. O. Box 639
Tampa, Florida 33601
Telephone: (813) 273-0050
tgonzalez@tsghlaw.com
npaulich@tsghlaw.com

Attorneys for Defendant

/s/ Leonard V. Feigel

Lauren L. Valiente (FBN034775)
FOLEY & LARDNER LLP
100 North Tampa Street, Suite 2700
Post Office Box 3391
Tampa, Florida 33601
Telephone: (813) 229-2300
lvaliente@foley.com

Leonard V. Feigel (FBN 0027752)
FOLEY & LARDNER LLP
One Independent Drive, Suite 1300
Jacksonville, FL 32202-5017
Telephone: (904) 359-2000
lfeigel@foley.com

Amy Whelan, *pro hac vice*
Julie Wilensky, *pro hac vice*
Asaf Orr, *pro hac vice*
NATIONAL CENTER FOR LESBIAN
RIGHTS
870 Market Street, Suite 370
San Francisco, CA 94102
Telephone: 415.392.6257
awhelan@nclrights.org
jwilensky@nclrights.org
aorr@nclrights.org

Attorneys for Plaintiff