

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

LYNN STARKEY, )  
)  
Plaintiff, )  
)  
v. )  
)  
RONCALLI HIGH SCHOOL, INC., )  
and ROMAN CATHOLIC )  
ARCHDIOCESE OF )  
INDIANAPOLIS, INC. )  
)  
Defendants. )

Case No. 1:19-cv-03153-RLY-TAB

Motion denied. Halting this litigation is not justified based on potential insight that may be gleaned from a future Supreme Court ruling.  
  
Tim A. Baker  
U.S. Magistrate Judge  
October 16, 2019

**MOTION TO STAY PROCEEDINGS**

Defendants Roncalli High School, Inc. (“Roncalli”) and the Roman Catholic Archdiocese of Indianapolis (“Archdiocese”) (collectively, “Defendants”), by counsel, hereby respectfully request that the Court stay this case until the Supreme Court of the United States decides *Altitude Express, Inc. v. Zarda*, No. 17-1623, *cert. granted* 2019 WL 1756678 (U.S. Apr. 22, 2019) and *Bostock v. Clayton County*, No. 17-1618, *cert. granted* 2019 WL 1756677 (U.S. Apr. 22, 2019).

The question presented in these consolidated cases is whether discrimination against an employee because of sexual orientation constitutes prohibited employment discrimination “because of . . . sex” within the meaning of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a). These cases will be heard on October 8th and, for the reasons explained in the attached brief, may be dispositive of the federal claims in this case such that a stay would conserve resources and serve judicial economy.

In accordance with Local Rule 7-1, this motion is accompanied by a brief and a proposed order, the latter attached hereto as Exhibit A. This Motion is made in good faith and not for any improper or dilatory purpose.

## CONCLUSION

Based on the foregoing and the attached brief, Defendants respectfully request that the Court stay all proceedings in this case, to include filing an answer, case management order and any discovery, until the Supreme Court's decision in *Altitude Express, Inc. v. Zarda* and *Bostock v. Clayton County*.

Respectfully submitted.

MERCER BELANGER

By: /s/ John S. (Jay) Mercer

JOHN S. (JAY) MERCER, #11260-49

MERCER BELANGER

One Indiana Square, Suite 1500

Indianapolis, IN 46204

(317) 636-3551

(317) 636-6680 fax