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Attorneys for Plaintiff Jennifer Fletcher

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Jennifer Fletcher,

Plaintiff,

vs.

State of Alaska,

Defendant.

Case No. 1:18-cv-00007-HRH

**JOINT MOTION TO SET SUMMARY JUDGMENT BRIEFING SCHEDULE
AND TO VACATE REMAINING CASE DEADLINES**

Fletcher v. Alaska, No. 1:18-cv-00007-HRH

Pursuant to L.Civ.R. 7.1, and this Court's Scheduling and Planning Order (ECF No. 17), Plaintiff Jennifer Fletcher ("Plaintiff") and Defendant State of Alaska ("Defendant") jointly move the Court for an order setting a schedule for cross-motions for partial summary judgment, and vacating remaining deadlines in the case schedule pending resolution of such motions:

The parties have engaged in extensive written discovery over the course of their work on this case, the scope of which has exceeded their expectations when they proposed an initial case schedule to this Court. The parties thus filed a stipulated request to extend the May 1, 2019 discovery cut-off in this matter by two months, which the Court approved. ECF Nos. 24, 25. The discovery cut-off is currently July 1, 2019. ECF No. 25.

In their prior request, ECF No. 24, the parties explained that they have engaged in ongoing discussions about streamlining the resolution of certain issues in the case, including a determination of liability, but needed to make additional progress on their document productions before potentially finalizing such a proposal. *Id.* The parties have now made additional progress, conferred in good faith, and have prepared a proposal to narrow the case by resolving key issues on cross-motions for partial summary judgment.

Subject to the ongoing duty to supplement pursuant to Federal Rule of Civil Procedure 26(e), Plaintiff has completed her production of documents, and the State will complete its production of documents on June 17, 2019. The parties now agree that presenting issues of liability at this stage, before the parties engage in more burdensome

and costly discovery including depositions, is the most efficient way to promote party and judicial economy. Plaintiff, a transgender State of Alaska legislative librarian, alleges that the State's exclusion of medically necessary transition-related care violates the prohibition against discrimination based on sex in Title VII, 42 U.S.C. § 2000e, et seq. ("Title VII"). Compl. ¶ 1. If the Court were to find summary judgment appropriate on one or more of the issues surrounding liability under Title VII, the parties anticipate that would, at a minimum, significantly narrow the scope of the issues requiring further discovery, and potentially facilitate settlement of any remaining issues in the case (*e.g.*, damages).

Good cause thus exists to grant this stipulated motion. Counsel have been diligent in engaging in written discovery and have worked cooperatively and in good faith to resolve related disputes among themselves without unnecessary court involvement. The parties have complied with all deadlines set in the Scheduling and Planning Order to date.

The parties respectfully submit that a modified four-brief schedule for partial summary judgment motions, allowing for a combining of briefing across the cross-motions, will allow for the most efficient presentation of the issues to the Court, and reduce the number of briefs required.

Accordingly, the parties request that the Court issue an order:

1. Ordering that cross-motions for partial summary judgment proceed as follows:
 - A. Plaintiff shall file her motion for partial summary judgment on or before July 1, 2019, not to exceed 35 pages or 10,000 words.

- B. Defendant shall file its combined opposition to Plaintiff's partial motion for summary judgment and cross-motion for partial summary judgment, not to exceed 45 pages or 12,825, on or before August 2, 2019.
- C. Plaintiff shall file a combined reply in support of its motion for partial summary judgment and opposition to Defendant's partial motion for summary judgment, not to exceed 35 pages or 9,975 words, on or before September 3, 2019.
- D. Defendant shall file its reply in support of its partial motion for summary judgment on or before September 20, 2019, not to exceed 20 pages or 5,700 words.

2. Vacating the remaining deadlines in the Scheduling and Planning Order (Doc. 17), as modified by this Court's Amendment to Scheduling Order (Doc. 25), for the close of discovery, dispositive motions, motions in limine, and motions as to qualifications of experts.

3. Requiring the parties to submit a joint proposal for revisions to the case schedule within 21 days after the Court rules on the parties' cross motions for summary judgment.

The parties also request that oral argument be scheduled on their cross-motions for partial summary judgment. Due to scheduling constraints, Defendant requests that argument not be scheduled before mid-October of 2019.

For good cause shown, to facilitate more efficient and economical use of the Court's and parties' resources, the parties respectfully request that the Court enter an order on the terms above.

Dated: May 31, 2019

Respectfully submitted,

/s/ Tara L. Borelli

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/s/ Kevin M. Dilg (consent)

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2019, I electronically filed the foregoing and all attachments with the Clerk of the Court by using the CM/ECF system, causing a copy of the foregoing and all attachments to be served on all counsel of record.

/s/ Tara L. Borelli

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JENNIFER FLETCHER,

Plaintiff,

v.

THE STATE OF ALASKA,

Defendant.

Case No. 1:18-cv-00007-HRH

**[PROPOSED] ORDER
GRANTING JOINT MOTION TO
SET SUMMARY JUDGMENT
BRIEFING SCHEDULE AND TO
VACATE REMAINING CASE
DEADLINES**

This matter having recently come before this Court, and good cause appearing therefore,

IT IS ORDERED:

1. The Joint Motion to Set Summary Judgment Briefing Schedule and to Vacate Remaining Case Deadlines (Doc. 26) is GRANTED.
2. Cross-motions for partial summary judgment shall proceed as follows:
 - A. Plaintiff shall file her motion for partial summary judgment on or before July 1, 2019, not to exceed 35 pages or 10,000 words.
 - B. Defendant shall file its combined opposition to Plaintiff's partial motion for summary judgment and cross-motion for partial summary judgment, not to exceed 45 pages or 12,825, on or before August 2, 2019.

- C. Plaintiff shall file a combined reply in support of its motion for partial summary judgment and opposition to Defendant's partial motion for summary judgment, not to exceed 35 pages or 9,975 words, on or before September 3, 2019.
- D. Defendant shall file its reply in support of its partial motion for summary judgment on or before September 20, 2019, not to exceed 20 pages or 5,700 words.

3. The remaining deadlines in the Scheduling and Planning Order (Doc. 17), as modified by this Court's Amendment to Scheduling Order (Doc. 25), for the close of discovery, dispositive motions, motions in limine, and motions as to qualifications of experts are vacated.

4. The parties shall submit a joint proposal for revisions to the case schedule within 21 days after the Court rules on the parties' cross motions for partial summary judgment.

DATED: _____, 2019.

The Honorable H. Russel Holland
United States District Judge