

1 KEVIN G. CLARKSON
2 ATTORNEY GENERAL

3 William Milks (Alaska Bar No. 0411094)
4 Kevin Dilg (Alaska Bar No. 1406053)
5 Assistant Attorneys General
6 Department of Law
7 P.O. Box 110300
8 Juneau, AK 99811-0300
9 Telephone: (907) 465-3600
10 Facsimile: (907) 465-2520
11 Email: bill.milks@alaska.gov

12 *Attorneys for defendant*

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ALASKA**

15 JENNIFER FLETCHER,)

16 Plaintiff,)

17 v.)

18 STATE OF ALASKA,)

19 Defendant.)

CIVIL ACTION

CASE NO. 1:18-cv-00007-HRH

20 **STATE OF ALASKA’S REPORT**
21 **ON HOLDING MATTER IN ABEYANCE**

22 On October 7, 2019, this Court entered a Case Status Order requesting that the
23 parties in this action “inform the court as to whether they are or are not in agreement
24 that the cross-motions should be held in abeyance pending the Supreme Court’s
25 decision in R.G. & G.R. Harris Funeral Homes.” [ECF Dkt. No 46 at p. 2]¹ As set forth

26 ¹ Counsel for the State and the Plaintiff conferred in this matter and decided to file separate pleadings.

1 below, the State agrees with the Court that the best use of judicial resources would be to
2 hold this case in abeyance until the Supreme Court issues its decision in R.G. & G.R.
3 Harris Funeral Homes.

4 A review of the briefs and transcripts of the argument before the Supreme Court
5 reveals that the primary issue in this case is also before the Supreme Court in R.G. &
6 G.R. Harris Funeral Homes: the scope of Title VII's prohibition against sex
7 discrimination. Thus, many of the legal arguments and theories presented by Plaintiff
8 are directly before the Supreme Court for consideration.² In these circumstances, it
9 seems clear that a legal determination in this case should await clarification from the
10 Supreme Court on the scope of Title VII. Additionally, the Court's expectation that any
11 decision issued in this case before the Supreme Court's decision in R.G. & G.R. Harris
12 Funeral Homes would likely generate an appeal also seems reasonable given that both
13 parties know that the Supreme Court will soon issue a decision clarifying the law under
14 Title VII.

15 Therefore, in an effort to conserve judicial resources, and to avoid additional
16 expenditures by the parties in this matter, the State agrees with the Court that this matter
17 should be held in abeyance until the issuance of the Supreme Court's decision in
18 R.G. & G.R. Harris Funeral Homes, Inc. Furthermore, the State agrees with the Court
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24 ² See e.g. Transcript of Oral Argument at 15, *R.G. & G.R. Harris Funeral Homes,*
25 *Inc., v. EEOC, et al.* 139 S. Ct. 1599 (2019) (No. 18-107).

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that the parties should be afforded the “opportunity to submit supplemental briefing
once the Supreme Court issues its decision in R.G. & G.R. Harris Funeral Homes.” [*Id.*]

DATED: October 21, 2019.

KEVIN G. CLARKSON
ATTORNEY GENERAL

By: /s/ William Milks
William Milks
Assistant Attorney General
Alaska Bar No. 0411094
Kevin Dilg
Assistant Attorney General
Alaska Bar No. 1406053

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2019, a copy of the foregoing was served
electronically via ECF pursuant to the Court’s electronic filing procedures on the
following parties of record:

Peter C. Renn	Tara L. Borelli	Eric Croft
LAMBDA LEGAL	LAMBDA LEGAL	THE CROFT LAW OFFICE
DEFENSE END	DEFENSE END	
EDUCATION FUND, INC.	EDUCATION FUND, INC.	

/s/ Joleen Langel
Joleen Langel, Paralegal