

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SELINA SOULE, ET AL. :
Plaintiffs :
 : CIVIL ACTION NO.: 3:20-cv-00201 (RNC)
v. :
 :
CONNECTICUT ASSOCIATION OF :
OF SCHOOLS, INC., ET AL. :
Defendants : AUGUST 17, 2020

**DEFENDANTS' JOINT MOTION TO
STAY DISCOVERY PENDING OUTCOME OF WRIT OF MANDAMUS**

Pursuant to Local Rule 7(a), Defendants the Connecticut Association of Schools, Inc. d/b/a Connecticut Interscholastic Conference (“CIAC”), Bloomfield Board of Education, Cromwell Board of Education, Canton Board of Education, Danbury Board of Education, Glastonbury Board of Education, Andraya Yearwood, T.M., and the Connecticut Commission on Human Rights and Opportunities (“CHRO”) (hereinafter, collectively, “Defendants”), hereby respectfully move this Court to stay all discovery between the parties pending the outcome of Plaintiffs’ Petition for Writ of Mandamus, currently pending before the United States Court of Appeals for the Second Circuit, Case No. 20-2180, except that (1) the parties will produce outstanding documents, if any, relating to the parties’ prior written requests for documents, and (2) the stay on discovery will not affect third party discovery, to the extent there is any (not including expert reports). Defendants also request that, once Plaintiffs’ Petition for Writ of Mandamus has been decided by the Second Circuit, the Court schedule a conference to consider adjustment of future discovery deadlines as needed.

Reasonable cause exists to grant this motion. Specifically, there are several issues pending on this action, including Plaintiffs’ pending Petition for Writ of Mandamus challenging this Court’s allegedly perceived bias towards the Plaintiffs. Defendants strongly oppose any attempts

to disqualify this Court from hearing this matter. Nevertheless, with the pending writ and anticipated discovery disputes between the parties, discovery must be stayed. As such, additional time is needed to complete discovery while the issues raised by the writ are resolved. Given that the timeframe for resolving these issues is as of yet to be determined, a stay of discovery pending the outcome of Plaintiffs' Petition for Writ of Mandamus is warranted.

Attorney Zelman, Counsel for Bloomfield and Cromwell, on behalf of all Defendants, has conferred with counsel for the Plaintiffs. The current proposal was agreed upon both the parties prior to filing this motion. Plaintiffs' Counsel is in favor of this motion being granted and has consented to this motion.

WHEREFORE, for all those reasons set forth above, the Defendants hereby respectfully request that this motion be granted.

Respectfully Submitted,

/s/ Johanna G. Zelman
Johanna G. Zelman (ct26966)
Mohammed B. Shihabi*
FordHarrison, LLP
CityPlace II
185 Asylum Street, Suite 610
Hartford, CT 06103
(860) 740-1355
jzelman@fordharrison.com
*Counsel for Bloomfield and Cromwell
Boards of Education*

Elana Bildner (ct30379)
Dan Barrett (ct29816)
ACLU Foundation of Connecticut
765 Asylum Avenue, 1st Floor
Hartford, CT 06105
(860) 471-8471
e-filings@acluct.org

Joshua Block*
Chase Strangio*
Galen Sherwin*
Lindsey Kaley*
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500
jblock@aclu.org

*Counsel for Andraya Yearwood and
Thania Edwards on behalf of T.M.*

Peter J. Murphy (ct26825)
Linda L. Yoder (ct01599)
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103
(860) 251-5950
pjmurphy@goodwin.com
*Counsel for CIAC and
Danbury Board of Education*

David S. Monastersky (ct13319)
Howd & Ludorf, LLC
65 Wethersfield Avenue
Hartford, CT 06114
(860) 249-1361
dmonastersky@hl-law.com
*Counsel for Glastonbury and Canton
Boards of Education*

Michael E. Roberts (ct30824)
CHRO
450 Columbus Boulevard, Suite 2
Hartford, CT 06103
(860) 541-4715
michael.e.roberts@ct.gov
Counsel for CHRO

*Admitted *Pro Hac Vice*

CERTIFICATE OF SERVICE

This is to certify that on this 17th day of August, 2020, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Howard M. Wood, III, Esq.
Phelon, Fitzgerald & Wood
773 Main Street
Manchester, CT 06040
howard.wood@pfwlaw.com
Attorney for Plaintiffs Selina Soule, Chelsea Mitchell and Alana Smith

Peter Joseph Murphy, Esq.
Linda L. Yoder, Esq.
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103
lyoder@goodwin.com
pjmurphy@goodwin.com
Attorneys for Connecticut Association of Schools, Inc. d/b/a CIAC and Danbury BOE

Kristen Waggoner, Esq.
Christiana M. Holcomb, Esq.
Alliance Defending Freedom
440 First Street NW, Suite 600
Washington, DC 20001
kwaggoner@adflegal.org
cholcomb@adflegal.org
Attorney for Plaintiffs Selina Soule, Chelsea Mitchell and Alana Smith

David S. Monastersky, Esq.
Howd & Ludorf, LLC
65 Wethersfield Avenue
Hartford, CT 06114-1190
dmonastersky@hl-law.com
Attorney for Defendants Glastonbury BOE and Canton BOE

Jeff Shafer, Esq.
Roger Greenwood Brooks, Esq.
15100 N. 90th Street
Scottsdale, AZ 85260
jshafer@adflegal.org
rbrooks@adflegal.org
Attorney for Plaintiffs Selina Soule, Chelsea Mitchell and Alana Smith

Michael E. Roberts, Esq.
CHRO
450 Columbus Boulevard, Suite 2
Hartford, CT 06103
Michael.e.roberts@ct.gov
Attorney for Intervenor Defendant CHRO

Dan Barrett, Esq.
American Civil Liberties Union – CT
765 Asylum Avenue, 1st Floor
Hartford, CT 06105
dbarrett@acluct.org
*Attorney for Intervenors Andraya Yearwood
and Thania Edwards*

Chase Strangio, Esq.
Galen Sherwin, Esq.
James D. Esseks, Esq.
Joshua A. Block, Esq.
Lindsey Kaley, Esq.
ACLU
125 Broad Street, 18th Floor
New York, NY 10004
cstrangio@aclu.org
gsherwin@aclu.org
jesseks@aclu.org
jblock@aclu.org
lkaley@aclu.org
*Attorney for Intervenors Andraya Yearwood
and Thania Edwards*

/s/ Johanna G. Zelman
Johanna G. Zelman