

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JENNIFER ELLER,

Plaintiff,

v.

PRINCE GEORGE'S COUNTY PUBLIC
SCHOOLS, PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION and
MONICA GOLDSON,

Defendants.

Case Number: 18-cv-03649

JOINT REQUEST TO STAY DISCOVERY AND AMEND THE SCHEDULING ORDER

Plaintiff Jennifer Eller ("Plaintiff"), by and through her counsel, and Defendants Prince George's County Public Schools, Prince George's County Board of Education, and Monica Golson (collectively, "Defendants"), by and through their counsel, hereby jointly request the Court stay proceedings in the above referenced matter for a period of thirty (30) days and to amend its Scheduling Order of February 12, 2019 (Doc. 23) as set forth below. The purpose for this request is to allow the Parties a thirty (30) day period to engage in meaningful settlement discussions and to avoid the expense associated with existing deadlines unless further litigation is necessary. The Parties jointly request that the scheduling order be amended as follows:

Proposed Deadlines/Terms	Original Deadlines/Terms		Explanation for Requested Modification
April 1, 2019 at 4:00pm	March 4, 2019 at 9:00am	Rule 16 Case Management Conference	The requested modification is commensurate with the requested thirty (30) day stay of proceedings in this case.
May 6, 2019	April 4, 2019	Motions to amend the pleadings or for joinder of additional parties	The requested modification is commensurate with the requested thirty (30) day stay of proceedings in this case.
May 22, 2019	April 19, 2019	Plaintiff's Rule 26(a)(2) expert disclosures	The requested modification is commensurate with the requested thirty (30) day stay of proceedings in this case.
June 19, 2019	May 20, 2019	Defendant's Rule 26(a)(2) expert disclosures	The requested modification is commensurate with the requested thirty (30) day stay of proceedings in this case.
July 3, 2019	June 3, 2019	Plaintiff's rebuttal Rule 26(a)(2) expert disclosures	The requested modification is commensurate with the requested thirty (30) day stay of proceedings in this case.
July 10, 2019	June 10, 2019	Rule 26(e)(2) supplementation of disclosures and responses	The requested modification is commensurate with the requested thirty (30) day stay of proceedings in this case.

September 20, 2019	July 3, 2019	Completion of Discovery; submission of Post-Discovery Joint Status Report	The requested modification reflects both the requested thirty (30) day stay of proceedings in this case as well as an additional 46-days for completion of discovery. The parties believe extension of this deadline is necessary due to the number of claims alleged by the plaintiff, years of facts at issue, and number of potential witnesses to be interviewed and/or deposed.
September 27, 2019	July 10, 2019	Requests for admission	The requested modification is commensurate with the requested thirty (30) day stay of proceedings in this case, as well as the additional 46-day extension of the deadline to complete discovery.
October 11, 2019	July 17, 2019	Notice of Intent to File a Pretrial Dispositive Motion	The requested modification is commensurate with the requested thirty (30) day stay of proceedings in this case, as well as the additional 46-day extension of the deadline to complete discovery. An additional week is requested in order to properly review the evidence gathered.

10 depositions	25 hours of depositions	Deposition Hours	Given the number of facts alleged by the plaintiff as well as number of parties involved, Plaintiff and Defendants believe that adopting the standard ten (10) depositions of fact witnesses set forth by the Federal Rules of Civil Procedure, <i>see</i> Fed. R. Civ. P. 30 and 31, at minimum, would more closely align with the discovery needs of the parties in this case.

“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “[T]he power to stay proceedings is incidental to the power in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Int’l Refugee Assistance Project v. Trump*, 323 F. Supp. 3d 726, 730–31 (D. Md. 2018) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). Given that the parties are jointly requesting this limited stay of discovery in order to explore the possibility of settlement, a stay is particularly appropriate in this case. None of the parties will be negatively affected by the entry of a thirty (30) day stay at this early juncture. Indeed, entry of a limited stay is most appropriate in circumstances such as these, as it would conserve scarce judicial resources as well as time and effort for the parties, and significantly, open the door to settlement. *See, e.g.*, 13B Charles A. Wright, et al., *Federal Practice & Procedure* § 3533.2 (2009) (“[A] court may stay proceedings if

the parties are working toward settlement, or if the parties have agreed but the settlement requires approval by someone else”). Should amicable resolution of this case prove to be unobtainable during the requested stay, the parties are prepared to resume their litigation responsibilities within the proposed modified schedule.

For the foregoing reasons, the parties respectfully request that the Court stay proceedings in this matter for a period of thirty (30) days and amend its Scheduling Order of February 12, 2019 as set forth herein.

Dated this 26th day of February, 2019.

Respectfully submitted,

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Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2019, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which sent notification of such filing to all counsel of record.

_____/s/ Thomas McSorley_____
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**[PROPOSED] ORDER GRANTING THE PARTIES' JOINT REQUEST TO STAY
DISCOVERY AND TO AMEND THE SCHEDULING ORDER**

This matter comes before the Court on the Parties' Joint Request to Stay Discovery and to Amend the Scheduling Order, filed on February 26, 2019. Having reviewed the papers and being fully advised, the Court **GRANTS** the request for good cause shown.

Accordingly, it is hereby **ORDERED** that:

1. The Rule 16 Case Management Conference scheduled for March 4, 2019 at 9:00am is suspended;
2. Proceedings in this case shall be stayed for thirty (30) days from the date of this Order;
3. Should the parties not reach a settlement by March 28, 2019 and inform the Court as such, proceedings in this case shall resume in accordance with the following schedule:

April 1, 2019 at 4:00pm Rule 16 Case Management Conference

May 6, 2019 Motions to amend the pleadings or for joinder of additional parties

May 22, 2019 Plaintiff's Rule 26(a)(2) expert disclosures

June 19, 2019	Defendant's Rule 26(a)(2) expert disclosures
July 3, 2019	Plaintiff's rebuttal Rule 26(a)(2) expert disclosures
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September 20, 2019	Completion of Discovery; submission of Post-Discovery Joint Status Report
September 27, 2019	Requests for admission

4. The parties shall be able to take ten (10) depositions each, instead of the 25 hours of deposition hours set forth in the Scheduling Order entered on February 12, 2019, Docket No. 23; and
5. All additional provisions in the February 12, 2019 Scheduling Order shall remain in effect.

SO ORDERED on this ____ day of _____, 2019.

THEODORE D. CHUANG
United States District Judge