

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FT. WORTH DIVISION

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U.S. PASTOR COUNCIL, et al.,

Plaintiffs,

v.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION, et al.,

Defendants.

Case No. 4:18-cv-00824-O

**DEFENDANTS' CONDITIONAL MOTION TO STAY PROCEEDINGS**

Should the Court deny Defendants' Renewed Motion to Dismiss, Defendants hereby respectfully move this Court to stay further proceedings pending resolution of the certiorari proceedings in the Supreme Court in *Harris Funeral Homes v. EEOC*, No. 18-107; *Altitude Express v. Zarda*, No. 17-1623, and *Bostock v. Clayton County, Ga.*, No. 17-1618. In accordance with Local Rules 7.1 and 7.2, this motion is accompanied by a brief that sets forth the contentions of law, arguments and authorities on which Defendants rely in support of this motion. A proposed order also accompanies this motion.

Dated: June 5, 2019

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

ERIN NEALY COX  
United States Attorney

CARLOTTA P. WELLS  
Assistant Branch Director

/s/ Eric J. Soskin

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

On June 5, 2019, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2) or the local rules.

/s/ Eric J. Soskin  
Eric J. Soskin

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Civil Rule 7.1(b), undersigned counsel conferred with counsel for Plaintiffs on May 24, 2019 and June 4, 2019 regarding the relief sought in this motion. Plaintiffs oppose this motion and the relief requested and plan to file a response setting forth their position.

/s/ Eric J. Soskin

Eric J. Soskin  
Senior Trial Counsel

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**[PROPOSED] ORDER**

Upon consideration of Defendants' Renewed Motion to Dismiss, Defendants' Conditional Motion to Stay Proceedings, and the responses thereto, the Court finds that jurisdiction exists over one or more of Plaintiffs' claims, and a stay of further proceedings is warranted.

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

- 1) Defendants' Renewed Motion to Dismiss (ECF No. 28) is **DENIED**. A separate Memorandum Opinion will issue in due course;
- 2) Defendants' Conditional Motion for Stay is **GRANTED** and these proceedings are **HEREBY STAYED** pending resolution of the certiorari proceedings in *Harris Funeral Homes v. EEOC*, No. 18-107, etc.; AND
- 3) Within twenty-one (21) days of final action by the Supreme Court in the referenced

certiorari proceedings, the parties shall jointly file a proposed schedule and identify proposed dates for a scheduling conference in this matter.

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

\_\_\_\_\_  
The Hon. Reed O'Connor  
United States District Judge