

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

U.S. PASTOR COUNCIL, et al.,

Plaintiffs,

v.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, et al.,

Defendants.

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

JOINT MOTION TO REVISE BRIEFING SCHEDULE

The parties are in receipt of the Court's August 25, 2020 Order determining that new briefing is necessary to resolve Defendants' previous motion to dismiss and indicating that the Court wishes to see this new briefing occur expeditiously.

After reviewing the Court's order, the parties believe that the most efficient and expeditious way to proceed in this matter would be for Plaintiffs to file a Second Amended Complaint prior to new briefing on the issues raised in Defendants' previous motion to dismiss. Such a filing would permit Plaintiffs to refine the nature of their claims following the Supreme Court decision in *Bostock v. Clayton County, Georgia*, No. 17-1618, 2020 WL 3146686 (U.S. decided June 15, 2020), and will not occasion substantial delay. The filing of a Second Amended Complaint at this time will avoid the potential for further duplicative briefing should such an amended pleading be

filed following the resolution of a motion to dismiss the current Complaint. Based on Plaintiffs' representations about the contents of the Second Amended Complaint, Defendants have agreed not to oppose the filing of a Second Amended Complaint.

Accordingly, the parties respectfully request that the Court adopt the following schedule:

The deadline for Plaintiffs to file their Second Amended Complaint, shall be on or before **September 9, 2020**.

Defendants shall file their motion to dismiss the Second Amended Complaint on or before **September 29, 2020**.

Plaintiffs shall oppose Defendants' motion to dismiss on or before **October 10, 2020**.

Defendants shall file a reply, if any, in support of their motion to dismiss on or before **October 14, 2020**.

Following the completion of briefing, the parties are prepared to provide oral argument on Defendants' renewed motion to dismiss, should the Court conclude that such a hearing would be beneficial.

Dated: August 31, 2020

Respectfully submitted,

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ERIN NEALY COX
United States Attorney

/s/ Eric J. Soskin
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the Proposed Classes*

CERTIFICATE OF CONFERENCE

Pursuant to Local Civil Rule 7.1(b), undersigned counsel conferred with counsel for Plaintiffs on August 27, 2020 and August 31, 2020 regarding the relief sought in this motion. Plaintiffs have joined in the motion.

/s/ Eric J. Soskin

Eric J. Soskin
Senior Trial Counsel

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[PROPOSED] ORDER

Upon consideration of the parties' Joint Motion to Revise Briefing Schedule, the Court finds that it would be in the interests of efficient litigation in these proceedings to adopt the parties' proposal.

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

- (1) The deadline for Plaintiffs to file their Second Amended Complaint, shall be on or before **September 9, 2020**.
- (2) Defendants shall file their motion to dismiss the Second Amended Complaint on or before **September 29, 2020**.
- (3) Plaintiffs shall file their opposition to Defendants' motion to dismiss on or before **October 10, 2020**.

(4) Defendants shall file a reply, if any, in support of their motion to dismiss on or before
October 14, 2020.

IT IS SO ORDERED.

Dated: _____

The Hon. Reed O'Connor
United States District Judge