

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NEW HOPE FAMILY SERVICES, INC.,
a New York nonprofit corporation,

Plaintiff,

5:18-cv-1419 (MAD/TWD)

vs.

SHEILA J. POOLE, in her official capacity
as the Acting Commissioner for the Office of
Children and Family Services for the State
of New York,

**STIPULATED MOTION TO
STAY DISCOVERY AND TO
SET A SUMMARY JUDGMENT
BRIEFING SCHEDULE**

Defendant.

The parties jointly submit the following stipulated motion to stay discovery and to set a summary judgment briefing schedule.

1. On November 16, 2020, the Court stayed discovery in this case pending the Supreme Court's decision in *Fulton v. City of Philadelphia*. ECF No. 63, 66. The Supreme Court issued its decision in *Fulton* on June 17, 2021. No. 19-123, 2021 WL 2459253 (U.S. June 17, 2021).

2. The parties have conferred and agree that this case can be resolved by dispositive motions without the need for discovery.

3. The parties agree that an order staying discovery would serve the interests of the Court and the parties, and would best facilitate the "just, speedy, and inexpensive" resolution of this case. FED. R. CIV. P. 1.

4. The parties request that the Court issue an order staying discovery and setting a schedule for briefing motions for summary judgment as follows:

- Moving Briefs in Support of Motions for Summary Judgment shall be filed on or before September 24, 2021.

- Briefs in Opposition to Motions for Summary Judgment shall be filed on or before November 12, 2021.
- Reply briefs shall be filed on or before December 17, 2021.

5. In the interest of efficiency and given the Court's familiarity with this matter, the parties request that the Court waive pre-motion letters and a pre-motion conference in connection with motions for summary judgment.

Respectfully submitted this 1st day of July, 2021,

s/ Mark A. Lippelmann
Mark A. Lippelmann, Esq.
Alliance Defending Freedom
Attorneys for Plaintiff
15100 N 90th St
Scottsdale, AZ 85260
Telephone: (480) 444-0020

s/ Adrienne J. Kerwin
Adrienne J. Kerwin, Esq.
Assistant Attorney General
Attorney for Defendant
The Capitol
Albany, NY 12224
Telephone: (518) 776-2608

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2021, I filed a true and accurate copy of the foregoing document with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to the following attorneys of record:

s/ Mark A. Lippelmann
Mark A. Lippelmann, Esq.
Alliance Defending Freedom
Attorneys for Plaintiff
15100 N 90th St.
Scottsdale, AZ 85260
Telephone: (480) 444-0020

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Defendant.

**[PROPOSED] ORDER
STAYING DISCOVERY AND
SETTING A SUMMARY
JUDGMENT BRIEFING
SCHEDULE**

This matter is before the Court on the parties' Stipulated Motion to Stay Discovery and to Set a Summary Judgment Briefing Schedule. The Court, having reviewed the motion and being otherwise sufficiently advised, orders as follows:

IT IS HEREBY ORDERED

1. The parties' stipulated Motion to Stay Discovery is GRANTED.
2. The Court waives the requirement for pre-motion letters and a pre-motion conference in connection with motions for summary judgment.
3. Moving Briefs in Support of Motions for Summary Judgment shall be filed on or before September 24, 2021.
4. Briefs in Opposition to Motions for Summary Judgment shall be filed on or before November 12, 2021.
5. Reply briefs shall be filed on or before December 17, 2021.

Done this _____ day of _____, 2021.
