

**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, *in her official capacity*,

Defendants.

Case Number: 18-cv-03649-TDC

JOINT STATUS REPORT

Pursuant to the Court's January 18, 2022, Order (ECF No. 125), Plaintiff Jennifer Eller ("Plaintiff"), by and through her counsel, and Defendant Board of Education of Prince George's County ("Defendant"), by and through Defendant's counsel, hereby submit this Joint Status Report.

Plaintiff's Position:

On June 3, 2015, Ms. Eller filed a formal charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") in which she alleged sex and gender identity discrimination. On April 29, 2016, Ms. Eller filed an Amended Charge with the EEOC alleging additional, ongoing harassment based on sex and unlawful retaliation. On August 31, 2018, Ms. Eller received a Notice of Right to Sue from the United States Department of Justice, Civil Rights Division. Ms. Eller filed the present action on November 28, 2018 and filed an Amended Complaint on December 20, 2018. The parties have since engaged in extensive discovery, motion practice, settlement discussions, and mediation sessions. Specifically, after the parties' own

settlement discussions did not result in any meaningful progress, the Court referred the case to Magistrate Judge Day for mediation on September 2, 2020 (ECF No. 79). Mediation sessions were held with Magistrate Judge Day on May 7, 2021 and July 6, 2021, and the parties conducted a session on August 10, 2021. Following what Plaintiff considered unsuccessful mediation efforts, Plaintiff informed Magistrate Judge Day of her intent to withdraw from the mediation process on September 16, 2021. The Court issued an order on January 14, 2022 granting in part and denying in part the parties' respective motions for summary judgment (ECF No. 124). On January 18, 2022, the Court ordered the parties to file a Joint Status Report by February 8, 2022 (ECF No. 125).

Plaintiff anticipates approximately ten (10) days to conduct a trial. The earliest date that Plaintiff would be available for trial is June 6, 2022. In an effort to ease the burden on the jury system and to limit any further prolonged delays, Plaintiff is amenable to a bench trial. Given Defendant's stated desire to continue settlement negotiations, Plaintiff will of course continue to engage in such discussions in good faith. However, Plaintiff does not believe it is in her interest or helpful to the settlement process to delay the setting of a trial date pending the outcome of any additional negotiations, and objects to any effort to do so.

Defendant's Position:

1. Whether the parties will be able to resolve the outstanding issues without further litigation and if so, a timeline for resolution.

Defendant is amenable to resolve this matter without further litigation and will attempt to do so either with or without a mediator.

2. Whether the parties wish to be referred to a United States Magistrate Judge for mediation.

Defendant is amenable for this matter to be referred to a U.S. Magistrate Judge for mediation.

3. If the parties do not expect to resolve the outstanding issues on their own, how many days the parties expect a trial to last and the earliest date the parties would be available for trial.

Defendant expects this jury trial to last approximately ten (10) days. While Defendant is available for trial in August and September of 2022, its witnesses are likely to be unavailable due to the summer break (August) and the return of students to school (September). As a result, Defendant would request that trial be set either in October of 2022, or anytime beginning or after January of 2023. Defendant is not available in November and December of 2022.

Dated this 7th of February, 2022.

Respectfully submitted,

FOR PLAINTIFF:

/s/ Paul E. Pompeo

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Lori B. Leskin *

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