

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

THE STATE OF TENNESSEE, et al.,)	
)	
Plaintiffs,)	
)	Case No. 3:21-cv-00308
v.)	
)	Judge Atchley
UNITED STATES DEPARTMENT OF)	
EDUCATION, et al.,)	
)	
Defendants.)	

**JOINT MOTION FOR APPROVAL OF STIPULATED BRIEFING SCHEDULE AND
TO ENLARGE PAGE LIMITS AND NOTICE OF PROPOSED HEARING DATES**

Plaintiffs (the States of Tennessee, Alabama, Alaska, Arizona, Arkansas, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, and West Virginia) and Defendants (the United States Department of Education; the Secretary of Education, in his official capacity; the Equal Employment Opportunity Commission (“EEOC”); the EEOC Chair, in her official capacity; the United States Department of Justice; the Attorney General of the United States, in his official capacity; and the Assistant Attorney General for Civil Rights at the United States Department of Justice, in her official capacity) jointly move under Local Rule 7.1(a) for approval of the following stipulated briefing schedule for Plaintiffs’ previously filed Motion for a Preliminary Injunction, ECF No. 10, and Defendants’ forthcoming motion to dismiss. The parties also jointly move under Local Rule 7.1(b) to enlarge the page limit for two of the briefs as specified below. The additional pages are needed because this case raises important and complex issues of constitutional and statutory law.

1. Plaintiffs filed their Motion for Preliminary Injunction, Memorandum in Support of Motion for Preliminary Injunction, and accompanying exhibits on September 2, 2021. *See* ECF Nos. 10, 11, 11-1 to 11-5.

2. Defendants propose filing their response to Plaintiffs' Motion for Preliminary Injunction by Thursday, September 23, 2021, and seek permission to increase the page limit for their response from 25 pages to 40 pages.

3. Defendants will file a motion to dismiss by Thursday, September 23, 2021, after meeting and conferring in accordance with the Court's Order on Motions to Dismiss, ECF No. 6.

4. Plaintiffs propose filing a reply in further support of their Motion for Preliminary Injunction by Friday, October 8, 2021.

5. Plaintiffs propose filing their response to Defendants' forthcoming motion to dismiss by Friday, October 8, 2021, and seek permission to enlarge the page limit for their response from 25 to 40 pages.

6. Defendants propose filing a reply in further support of their motion to dismiss by Friday, October 22, 2021.

The parties respectfully propose one of the following dates for a hearing on Plaintiffs' Motion for a Preliminary Injunction and Defendants' forthcoming motion to dismiss: October 27, October 28, October 29, November 3, or November 5.

Dated: September 13, 2021

Respectfully submitted,

/s/ Matthew D. Cloutier (BPR # 036710)
HERBERT H. SLATERY III
Attorney General and Reporter of Tennessee
ANDRÉE S. BLUMSTEIN
Solicitor General
SARAH K. CAMPBELL**
Associate Solicitor General
CLARK L. HILDABRAND**
BRANDON J. SMITH**
Assistant Solicitors General
MATTHEW D. CLOUTIER
Assistant Attorney General
Office of the Tennessee Attorney General and
Reporter
P.O. Box 20207
Nashville, TN 37202
(615) 741-7908
Matt.Cloutier@ag.tn.gov
Counsel for State of Tennessee

/s/ A. Barrett Bowdre
STEVE MARSHALL
Attorney General of Alabama
A. BARRETT BOWDRE*
Deputy Solicitor General
State of Alabama
Office of the Attorney General
501 Washington Ave.
Montgomery, AL 36130
(334) 242-7300
Barrett.Bowdre@AlabamaAG.gov
Counsel for State of Alabama

/s/ Kate B. Sawyer
MARK BRNOVICH
Attorney General of Arizona
KATE B. SAWYER**
Assistant Solicitor General
Office of the Arizona Attorney General
2005 N. Central Ave.
Phoenix, AZ 85004
(602) 542-8304
Kate.Sawyer@azag.gov
Counsel for State of Arizona

/s/ Cori M. Mills
TREG R. TAYLOR
Attorney General of Alaska
CORI M. MILLS*
Deputy Attorney General
State of Alaska
P.O. Box 110300
Juneau, AK 99811
(907) 465-3600
cori.mills@alaska.gov
Counsel for State of Alaska

/s/ Nicholas J. Bronni
LESLIE RUTLEDGE
Attorney General of Arkansas
NICHOLAS J. BRONNI*
Solicitor General
VINCENT M. WAGNER
Deputy Solicitor General
Office of the Arkansas Attorney General
323 Center St., Suite 200
Little Rock, AR 72201
(501) 682-6307
nicholas.bronni@arkansasag.gov
Counsel for State of Arkansas

/s/ Drew F. Waldbeser
CHRISTOPHER M. CARR
Attorney General of Georgia
DREW F. WALDBESER**
Deputy Solicitor General
Office of the Georgia Attorney General
40 Capitol Square, S.W.
Atlanta, GA 30334
(404) 458-3378
dwaldbeser@law.ga.gov
Counsel for State of Georgia

s/ W. Scott Zanzig
LAWRENCE G. WASDEN
Attorney General of Idaho
W. SCOTT ZANZIG**
Deputy Attorney General
Office of the Idaho Attorney General
P.O. Box 83720
Boise, ID 83720
(208) 332-3556
scott.zanzig@ag.idaho.gov
Counsel for State of Idaho

/s/ Thomas M. Fisher
THEODORE E. ROKITA
Attorney General of Indiana
THOMAS M. FISHER**
Solicitor General
Office of the Indiana Attorney General
IGC-South, Fifth Floor
302 West Washington St.
Indianapolis, IN 46204
(317) 232-6255
Tom.Fisher@atg.in.gov
Counsel for State of Indiana

/s/ Kurtis K. Wiard
DEREK SCHMIDT
Attorney General of Kansas
KURTIS K. WIARD**
Assistant Solicitor General
Office of the Kansas Attorney General
120 S.W. 10th Ave.
Topeka, KS 66612
(785) 296-2215
kurtis.wiard@ag.ks.gov
Counsel for State of Kansas

/s/ Marc Manley
DANIEL CAMERON
Attorney General of Kentucky
MARC MANLEY*
Assistant Attorney General
COURTNEY E. ALBINI
Assistant Solicitor General
Office of the Kentucky Attorney General
700 Capital Ave., Suite 118
Frankfort, KY 40601
(502) 696-5300
Marc.Manley@ky.gov
Counsel for Commonwealth of Kentucky

/s/ Elizabeth B. Murrill
JEFF LANDRY
Attorney General of Louisiana
ELIZABETH B. MURRILL*
Solicitor General
J. SCOTT ST. JOHN*
Deputy Solicitor General
Louisiana Department of Justice
1885 N. Third St.
Baton Rouge, LA 70804
(225) 326-6766
emurrill@ag.louisiana.gov
stjohnj@ag.louisiana.gov
Counsel for State of Louisiana

/s/ Justin L. Matheny

LYNN FITCH

Attorney General of Mississippi

JUSTIN L. MATHENY**

Deputy Solicitor General

State of Mississippi

Office of the Attorney General

P.O. Box 220

Jackson, MS 39205

(601) 359-3680

justin.matheny@ago.ms.gov

Counsel for State of Mississippi

/s/ D. John Sauer

ERIC S. SCHMITT

Attorney General of Missouri

D. JOHN SAUER*

Solicitor General

Office of the Missouri Attorney General

P.O. Box 899

Jefferson City, MO 65102

(573) 751-8870

John.Sauer@ago.mo.gov

Counsel for the State of Missouri

/s/ Christian B. Corrigan

AUSTIN KNUDSEN

Attorney General of Montana

DAVIS M.S. DEWHIRST

Solicitor General

CHRISTIAN B. CORRIGAN**

Assistant Solicitor General

Office of the Montana Attorney General

215 North Sanders

P.O. Box 201401

Helena, MT 59620

(406) 444-2707

Christian.Corrigan@mt.gov

Counsel for State of Montana

/s/ James A. Campbell

DOUGLAS J. PETERSON

Attorney General of Nebraska

JAMES A. CAMPBELL**

Solicitor General

Office of the Nebraska Attorney General

2115 State Capitol

Lincoln, NE 68509

(402) 471-2682

jim.campbell@nebraska.gov

Counsel for State of Nebraska

/s/ Benjamin M. Flowers

DAVE YOST

Attorney General of Ohio

BENJAMIN M. FLOWERS**

Solicitor General

Office of the Ohio Attorney General

30 E. Broad St., 17th Floor

Columbus, OH 43215

(614) 446-8980

bflowers@OhioAGO.gov

Counsel for State of Ohio

/s/ Zach West

JOHN M. O'CONNOR

Attorney General of Oklahoma

ZACH WEST*

Assistant Solicitor General

Office of the Attorney General

State of Oklahoma

313 N.E. 21st St.

Oklahoma City, OK 73105

(405) 522-4798

Zach.West@oag.ok.gov

Counsel for State of Oklahoma

/s/ J. Emory Smith, Jr.
ALAN WILSON
Attorney General of South Carolina
J. EMORY SMITH, JR.**
Deputy Solicitor General
Office of the South Carolina Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-3680
esmith@scag.gov
Counsel for State of South Carolina

/s/ Jason R. Ravnsborg
JASON R. RAVNSBORG**
Attorney General of South Dakota
Office of the South Dakota Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501
(605) 773-3215
Jason.Ravnsborg@state.sd.us
Counsel for State of South Dakota

/s/ Lindsay S. See
PATRICK MORRISEY
Attorney General of West Virginia
LINDSAY S. SEE*
Solicitor General
Office of the West Virginia Attorney General
State Capitol Bldg. 1, Room E-26
Charleston, WV 25305
(681) 313-4550
lindsay.s.see@wvago.gov
Counsel for State of West Virginia

BRIAN M. BOYNTON
Acting Assistant Attorney General

JENNIFER D. RICKETTS
Director, Federal Programs Branch

CARLOTTA WELLS
Assistant Director, Federal Programs Branch

/s/ Joshua E. Gardner
JOSHUA E. GARNDER
Special Counsel

CHRISTOPHER HEALY
Trial Attorney
Civil Division, Federal Programs Branch
U.S. Department of Justice
1100 L Street, NW
Washington, DC 20005
Phone: (202) 305-7583
Email: Joshua.E.Gardner@usdoj.gov

Counsel for Defendants

*** Pro hac vice application forthcoming or pending**

**** Admitted pro hac vice**

CERTIFICATE OF SERVICE

I hereby certify that, on September 13, 2021, a true and exact copy of the foregoing Joint Motion for Approval of Stipulated Briefing Schedule and to Enlarge Page Limits and Notice of Proposed Hearing Dates was served on the following counsel of record through the Electronic

Filing System:

Joshua E. Gardner
Special Counsel
Christopher Healy
Trial Attorney
Civil Division, Federal Programs Branch
U.S. Department of Justice
1100 L Street, NW
Washington, DC 20005

/s/ Matthew D. Cloutier
MATTHEW D. CLOUTIER
Assistant Attorney General