

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

A.C., a minor child by his next friend,)
mother and legal guardian, M.C.,)

Plaintiff,)

v.)

No. 1:21-cv-02965-TWP-MPB

METROPOLITAN SCHOOL DISTRICT)
OF MARTINSVILLE, *et al.*,)

Defendants.)

Joint Motion to Stay All Proceedings Pending Resolution of Appeal

The parties, by their counsel, say that:

1. This Court has granted plaintiff a preliminary injunction allowing him to use male restrooms within his school. (Dkt. 50, Dkt. 65).
2. Defendants have appealed the preliminary injunction to the Seventh Circuit Court of Appeals. (No. 22-1786).
3. During a recent conference with the Magistrate Judge, counsel for the parties discussed staying all proceedings in this Court until there is a final appellate resolution of the legal issues presented by the appeal as it is likely that resolution of the appeal will answer the legal questions that will also have to be addressed on the merits of this case.

4. Having discussed the matter, the parties now agree that all matters in this case should be stayed until the final resolution of defendants' appeal and agree that a stay should enter in this Court.

5. The parties agree that, if the Court consents, the stay should stay in effect until 30 days after the issuance of the mandate from the Seventh Circuit Court of Appeals, or after the appeal is otherwise finalized.

6. The parties reserve the right to seek to lift the stay upon motion as appropriate.

WHEREFORE, the parties request that all matters in this case be stayed until 30 days after the issuance of the mandate from the Seventh Circuit Court of Appeals in the appeal of this Court's preliminary injunction order, or after the appeal is otherwise finalized, and for all other proper relief.

Kenneth J. Falk
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317/635-4059
fax: 317/635-4105
kfalk@aclu-in.org

Attorney for Plaintiff

/s/ Philip R. Zimmerly
Philip R. Zimmerly (w/permission)
BOSE McKINNEY & EVANS LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
317/684-5000
fax: 317/684-5173
PZimmerly@boselaw.com

Attorney for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

A.C., a minor child by his next friend,)
mother and legal guardian, M.C.,)

Plaintiff,)

v.)

No. 1:21-cv-02965-TWP-MPB

METROPOLITAN SCHOOL DISTRICT)
OF MARTINSVILLE, *et al.*,)

Defendants.)

Order Staying Proceedings

The parties having filed their Joint Motion to Stay All Proceedings Pending Resolution of Appeal, and the Court having read the motion, and being duly advised, finds that good cause exists to grant it, and

IT IS THEREFORE ORDERED that all matters in this case are stayed until 30 days after the issuance of the mandate from the Seventh Circuit Court of Appeals in the appeal of this Court’s preliminary injunction order, or after any proceedings in the United States Supreme Court are terminated, whichever date is later.

IT IS FURTHER ORDERED that no later than 45 days after the mandate is issued by the Seventh Circuit or after the appeal is otherwise finalized in the United States Supreme Court, whichever day is later, the parties shall file an amended case management plan for the Court’s review.

Date

Chief Judge, United States District Court

To: All ECF-registered counsel of record