

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**Bear Creek Bible Church, et al.**

Plaintiffs,

v.

**Equal Employment Opportunity  
Commission, et al.,**

Defendants.

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

**JOINT STATUS REPORT**

On August 15, 2023, the Court ordered the parties to confer and submit a joint status report that: (1) “summarizes the issues on remand”; and (2) “proposes a schedule for resolution of the remaining issues.” ECF No. 146. The parties jointly and respectfully submit this report in accordance with the Court’s instructions.

**I. ISSUES REMAINING ON REMAND**

There are two issues remaining for this Court on remand. First, the Court should vacate its class-certification order (ECF No. 135) in accordance with the Fifth Circuit’s instructions. The proposed order attached to this report vacates the class-certification order.

Second, the Court must enter a new final judgment that accords with the Fifth Circuit’s ruling on appeal. The plaintiffs propose that the parties engage in a motions practice regarding the form of the judgment, and they will file their motion for entry of judgment and a copy of their proposed final judgment later today. The defendants’ position is that such a practice is not necessary. The parties have conferred but were not able to agree on the contents of the final judgment, so the defendants will oppose the plaintiffs’ soon-to-be-filed motion and will file a competing proposal.

## II. PROPOSED SCHEDULE FOR RESOLVING REMAINING ISSUES

The Court should vacate the class certification order (ECF No. 135).

The plaintiffs will file a motion for entry of judgment later today, accompanied by their proposed final judgment. The defendants will respond to this motion in accordance with the motions-briefing schedule set forth in the local rules, which gives the defendants 21 days to file their brief in opposition and their proposed final judgment. The plaintiffs will also file a reply in accordance with the local rules.

Respectfully submitted.

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
Texas Bar No. 24075463  
Mitchell Law PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
(512) 686-3940 (phone)  
(512) 686-3941 (fax)  
jonathan@mitchell.law

*Counsel for Plaintiffs*

Dated: August 30, 2023

BRIAN M. BOYNTON  
Acting Assistant Attorney General

CARLOTTA P. WELLS  
Assistant Branch Director

/s/ Benjamin T. Takemoto  
BENJAMIN T. TAKEMOTO  
D.C. Bar No. 1045253  
United States Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box No. 883, Ben Franklin Station  
Washington, DC 20044  
(202) 532-4252 (phone)  
(202) 616-8460 (fax)  
benjamin.takemoto@usdoj.gov

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I certify that on August 30, 2023, I served this document through CM/ECF

upon:

BENJAMIN T. TAKEMOTO  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box No. 883, Ben Franklin Station  
Washington, DC 20044  
(202) 532-4252 (phone)  
(202) 616-8460 (fax)  
benjamin.takemoto@usdoj.gov

*Counsel for Defendants*

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiffs*

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**Bear Creek Bible Church, et al.**

Plaintiffs,

v.

**Equal Employment Opportunity  
Commission, et al.,**

Defendants.

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

**[PROPOSED] ORDER**

The class-certification order of January 12, 2022 (ECF No. 135) is VACATED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
REED O'CONNOR  
UNITED STATES DISTRICT JUDGE