

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Christian Employers Alliance,  
Plaintiff,

vs.  
United States Equal Opportunity  
Commission,

*Charlotte A. Burrows, in her official capacity  
as Chair of the United States Equal  
Employment Opportunity Commission,*

United States Department of Health and  
Human Services,

Case No. 1:21-cv-195

*Xavier Becerra, in his official capacity as  
Secretary of the United States Department of  
Health and Human Services,*

Office for Civil Rights of the United States  
Department of Health and Human Services,  
and

*Lisa J. Pino, in her official capacity as  
Director of the Office for Civil Rights of the  
United States Department of Health and  
Human Services,*

Defendants.

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**ORDER DENYING WITHOUT PREJUDICE MOTION FOR SCHEUDLING ORDER  
AND MOTION TO CONVERT THE ORDER GRANTING PRELIMINARY  
INJUNCTION INTO A PARTIAL FINAL JUDGMENT AND FINDING AS MOOT  
MOTION TO STAY DISTRICT COURT PROCEEDINGS**

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[¶1] THIS MATTER comes before the Court on three Motions. On December 16, 2022, the Plaintiff filed a Motion for Scheduling Order and Motion to Convert the Order Granting Preliminary Injunction into a Partial Final Judgment. Doc. Nos. 48, 49. On December 30, 2022,

the Defendants filed a Motion to Stay District Court Proceedings pending appeal.<sup>1</sup> Doc. No. 50. The Mandate from the Court of appeals was issued on July 5, 2023.

[¶2] A status conference was held on August 1, 2023. At the hearing, the pending motions were discussed. All Parties agreed the Motion to Stay was moot now that the appeal is over. Counsel reported the parties have engaged in some preliminary settlement discussions and both sides agreed this Court should allow those discussions to continue. The Parties agreed to file a status report within thirty (30) days outlining the progress of their settlement discussions and the likelihood of needing a scheduling order. They further agreed to set up a scheduling conference within sixty (60) days in the event negotiations between the parties do not result in a settlement. Finally, the Parties agreed the Motion to Convert the Order Granting Preliminary Injunction into a Partial Final Judgment may be denied without prejudice as the issues, if raised again, will be brought by way of a motion for summary judgment.

[¶3] Upon consideration, it is **ORDERED**:

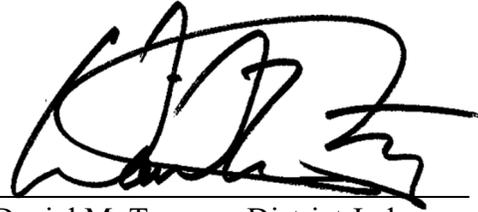
1. The Motion to Stay District Court Proceedings (Doc. No. 50) is **MOOT**.
2. The Motion to Convert the Order Granting a Preliminary Injunction into a Partial Final Judgment (Doc. No. 49) is **DENIED without prejudice**.
3. Because Motion for Scheduling Order requested specific deadlines in 2023 that have passed, and the Parties have agreed to address scheduling within sixty (60) days, the Motion for Scheduling Order (Doc. No. 48) is **DENIED without prejudice**.
4. The Parties shall file a joint status report outlining the progress of their settlement negotiations and the need for a scheduling conference within thirty (30) days from the date of this Order.
5. The Parties shall set up a scheduling conference with Magistrate Judge Clare R. Hochlater within sixty (60) days from the date of this Order, if the Parties believe a scheduling conference is necessary.

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<sup>1</sup> The Notice of Interlocutory Appeal was filed September 23, 2022. Doc. No. 46.

[¶4] **IT IS SO ORDERED.**

DATED August 1, 2023.

A handwritten signature in black ink, appearing to read 'D. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge  
United States District Court