

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

SELINA SOULE, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	No. 3:20-cv-00201-RNC
	)	
CONNECTICUT ASSOCIATION OF	)	
SCHOOLS, INC. <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	February 6, 2024
	)	
	)	

**JOINT MOTION TO AMEND CASE SCHEDULE AND STAY DISCOVERY**

On February 12, 2020, female high school athletes, Chelsea Mitchell, Alanna Smith, and Selina Soule filed a complaint against the Connecticut Interscholastic Athletic Conference (CIAC) and the boards of education of their Connecticut public schools. On January 24, 2024, the United States Court of Appeals for the Second Circuit issued its mandate remanding that case to this Court for further proceedings.

Pursuant to Local Rule 7(b) Plaintiffs, Defendants, and Intervenors (“the Parties”), having conferred, hereby jointly move the Court to amend the case schedule, postpone the Local Rule 26(f) planning conference, and stay discovery, as set out below. The Parties respectfully submit that there is good cause for the requested modifications in that the requested schedule and order will facilitate the efficient progress of this case, will not cause delay, and will avoid potentially unnecessary burdens on all parties.

Accordingly, the Parties jointly move that the Court enter the following scheduling order as further explained and for the reasons set out below.

1. **Amended complaint.** In light of the passage of four years since the original complaint was filed, the Plaintiffs plan to move for leave to file an Amended Complaint. The Parties

respectfully request that the Court direct that such motion, attaching the proposed Amended Complaint, be filed no later than **March 1, 2024**, and that Plaintiffs provide a copy of that proposed Amended Complaint to Defendants and Intervenors no later than one week before filing said motion for leave to amend, in order that the Defendants and Intervenors may decide whether they will consent to or oppose Plaintiffs' motion for leave to amend.

**2. Time to move or answer.** The Defendants and Intervenors currently anticipate that they will file a motion to dismiss the operative complaint, on grounds other than those that have been addressed by the Court of Appeals for the Second Circuit. Defendants believe that they have arguments under 12(b)(6) that merit dismissing the case in its entirety, and that have not been previously addressed by this Court or resolved by the Court of Appeals for the Second Circuit. The Parties respectfully request that the Court grant the Defendants and Intervenors **30 days** after the grant or denial of Plaintiffs' motion for leave to amend in which to move against or answer the Amended Complaint or the Complaint, as the case may be.

**3. Briefing on the anticipated motion to dismiss.** If the Defendants and/or Intervenors file a motion to dismiss as they currently anticipate, the Parties respectfully request that the Court allow Plaintiffs **30 days** to respond, and allow Defendants and Intervenors **21 days** to file their reply briefs in support of such motion.

**4. Stay of discovery.** In the interests of efficiency and avoiding potentially unnecessary cost and burden on the Parties, the Parties jointly request that the Court stay discovery until the first to occur of (a) the filing of an Answer, or (b) the entry of a ruling on the anticipated motion to dismiss.

**5. Rule 26(f) Conference and Report.** The Court's January 24, 2024 Order (ECF No. 183) requires that the Parties meet within **14 days** of the issuance of the mandate for a planning conference and complete and file the 26(f) report within **14 days** of the conference. The Parties have conferred and believe that this Court's resolution of the anticipated motion to dismiss may affect the scope or existence of discovery. Accordingly, in the interests of efficiency and avoiding potentially

unnecessary cost and burden, the Parties jointly request that the Court order that the 26(f) conference shall occur no later than **30 days** following the first to occur of (a) the filing of an Answer, or (b) the entry of a ruling on the anticipated motion to dismiss, and further that the 26(f) report shall be filed within **14 days** of the conference.

6. The motion complies with Local Rule of Civil Procedure 7(b)(3) because it was filed at least 3 business days before the deadline sought to be extended. No other motions for an extension of time have been filed respecting this time limitation.

7. The court has “broad discretion to direct and manage the pre-trial discovery process.” *Wills v. Amerada Hess Corp.*, 379 F.3d 32, 41 (2d Cir. 2004). Further, as required under Local Rule 7(b)(2), under the present circumstances, there is good cause to request extensions of time. “Good cause is a non-rigorous standard that has been construed broadly.” *Manigault v. ABC Inc.*, No. 18-3133, 2019 WL 6340254, at \*15 (2d Cir. Nov. 27, 2019) (cleaned up). “[A]bsent bad faith or prejudice to another party,” reasonable extensions should usually be granted. *Id.* (cleaned up). Here, there is good cause to grant the requested extensions. The extensions will allow the Parties to confer and propose a schedule for the completion of the case once the ruling on the motion to dismiss—which may impact the scope of the case—has been decided.

8. There is also good cause to stay discovery. This Court has held that “good cause may be shown where a party has filed (or sought leave to file) a dispositive motion.” *Cuartero v. United States*, No. 3:05CV1161(RNC), 2006 WL 3190521, at \*1 (D. Conn. Nov. 1, 2006) (cleaned up). As explained above, the Parties anticipate such a motion in the present case.

9. For the reasons set forth herein, the Parties respectfully request that the Court grant this motion and modify the case schedule and stay discovery as described herein.

Respectfully submitted this 6th day of February, 2024.

/s/ Roger G. Brooks

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