

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIASHONICE G. GARNETT, *et al.*,*Plaintiffs,*

v.

LAURA ZEILINGER,

Defendant.

Civil Action No. 17-1757 (CRC)

**DEFENDANT LAURA ZEILINGER'S PARTIAL CONSENT MOTION
TO STAY DEADLINES TO OPPOSE PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION AND RESPOND TO THE COMPLAINT PENDING
RESOLUTION OF PLAINTIFFS' FORTHCOMING MOTION FOR PRELIMINARY
INJUNCTION AND FOR EXTENSION OF TIME TO OPPOSE PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

Defendant Laura Zeilinger, sued in her official capacity as the Director of the District of Columbia Department of Human Services (the District), moves to stay the deadlines to oppose plaintiffs' motion for class certification and to respond to the Complaint pending the Court's resolution of plaintiffs' forthcoming motion for preliminary injunction and for a thirty-day deadline to oppose plaintiffs' motion for preliminary injunction.

Plaintiffs filed their Complaint and motion for class certification on August 28, 2017. The District was served on August 31, 2017, making the opposition to class certification due September 14, 2017 and the response to the Complaint due September 21, 2017. The Parties conducted a telephonic meet-and-confer on September 7, 2017, and plaintiffs indicated they intend to file a motion for preliminary injunction the week of September 11, 2017.

The District requests that the deadlines to oppose class certification and to respond to the Complaint be stayed until the resolution of plaintiffs' forthcoming motion for preliminary injunction. A stay of these existing deadlines will allow the Parties and the Court to focus on the issues related to preliminary injunctive relief. A stay is in the interest of judicial economy and will preserve the Parties' resources. *See* Fed. R. Civ. P. 6(b)(1).

Plaintiffs consent to staying the District's deadline to respond to the Complaint but not the deadline to oppose class certification. Plaintiffs agree to stay class certification briefing only if the District "consent[s] to certification to the extent necessary for the court to order class-wide injunctive relief" or if "class certification is briefed on the same schedule as the [motion for preliminary injunction]." (Ex. 1, Email from Plaintiffs' Counsel, Sept. 11, 2017.) The District does not consent to class certification, nor does it agree to forgo the Court's rigorous analysis under Federal Rule 23. Class certification issues are wholly separate from the Court's consideration of a preliminary injunction under Federal Rule 65. Simultaneous briefing on injunctive relief and class certification is both unnecessary and contrary to the notion of judicial economy.

In addition, the District seeks a thirty-day deadline to oppose plaintiffs' anticipated motion for preliminary injunction; plaintiffs consent to this relief.¹ A

¹ Plaintiffs consent to a thirty-day deadline on the condition that the District consent to plaintiffs having thirty days to file a reply in support of their motion for preliminary injunction. The District consents to plaintiffs' request for thirty days to file a reply.

thirty-day deadline to oppose plaintiffs' motion for preliminary injunction would provide undersigned counsel sufficient time to confer with the District's agencies and personnel in advance of filing an opposition.

The District attaches a memorandum of points and authorities in support of this partial consent motion and a proposed order. Pursuant to Local Civil Rule 7(m), undersigned counsel discussed this matter in good faith with plaintiffs' counsel and plaintiffs provided partial consent as set forth above. The District respectfully requests that the Court grant this motion and enter the proposed order.

Dated: September 12, 2017. Respectfully submitted,

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Attorney General for the District of Columbia

ELIZABETH SARAH GERE
Deputy Attorney General
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/s/ Toni Michelle Jackson
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHONICE G. GARNETT, *et al.*,

Plaintiffs,

v.

LAURA ZEILINGER,

Defendant.

Civil Action No. 17-1757 (CRC)

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANT LAURA ZEILINGER'S PARTIAL CONSENT MOTION
TO STAY DEADLINES TO OPPOSE PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION AND RESPOND TO THE COMPLAINT PENDING THE
RESOLUTION OF PLAINTIFFS' FORTHCOMING MOTION FOR PRELIMINARY
INJUNCTION AND FOR EXTENSION OF TIME TO OPPOSE PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

In support of the District's partial consent motion to stay the deadlines to oppose plaintiffs' motion for class certification and respond to the Complaint pending the Court's resolution of plaintiffs' forthcoming motion for preliminary injunction and for a thirty-day deadline to oppose the motion for preliminary injunction, the District submits the following:

1. Rule 6(b)(1) of the Federal Rules of Civil Procedure;
2. Plaintiffs' partial consent to the requested relief;
3. The District's showing of good cause in support of the motion; and
4. The inherent power of the Court.

The requested relief would not prejudice plaintiffs or unreasonably delay the resolution of this matter. The District requests that the Court grant the motion and enter the proposed order.

Dated: September 12, 2017. Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

ELIZABETH SARAH GERE
Deputy Attorney General
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/s/ Toni Michelle Jackson
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