

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

FACULTY, ALUMNI, AND STUDENTS  
OPPOSED TO RACIAL PREFERENCES  
(FASORP),

Plaintiff,

v.

MICHIGAN LAW REVIEW  
ASSOCIATION; et al.,

Defendants.

Case No. 5:25-cv-11837  
Hon. Judith E. Levy  
Magistrate Judge: Curtis Ivy, Jr.

**STIPULATED ORDER  
DISMISSING INDIVIDUAL DEFENDANTS WITHOUT PREJUDICE AND  
EXTENDING TIME TO RESPOND TO COMPLAINT**

The Parties, by and through their undersigned counsel, submit this Stipulated Order, as follows:

**NOW WHEREFORE,**

1. On June 18, 2025, Plaintiff filed its Complaint;
2. Pursuant to executed Waivers of the Service of Summons, each specifically named defendant's deadline to file an answer or a motion under Rule 12 is August 29, 2025.
3. The Parties conferred and, as a result, they have agreed that Plaintiff will dismiss without prejudice the following individually named defendants:
  - a. Heather Jane Foster;
  - b. Nathaniel B. Magrath;

- c. Delpha Carpenter;
- d. Jordan B. Acker;
- e. Michael J. Behm;
- f. Mark J. Bernstein;
- g. Paul W. Brown;
- h. Sarah Hubbard;
- i. Denise Ilitch;
- j. Carl J. Meyers;
- k. Katherin E. White;
- l. Timothy G. Lynch;
- m. John Does Nos. 1–4.

4. FASORP moves to dismiss only the individual defendants named in the preceding paragraph. All claims against the University of Michigan and the Michigan Law Review Association remain pending. Because FASORP moves to dismiss the identified defendants without prejudice, it reserves the right to amend its complaint to re-add those defendants as parties to this case.

5. The Parties have also agreed that the deadline by which the remaining defendants, the University of Michigan and the Michigan Law Review Association, must answer or otherwise respond to Plaintiff's Complaint shall be extended to October 13, 2025;

6. With the Court being otherwise fully advised on the premises;

**NOW THEREFORE, IT IS HEREBY ORDERED** that the following defendants are dismissed without prejudice:

- a. Heather Jane Foster;
- b. Nathaniel B. Magrath;
- c. Delpha Carpenter;
- d. Jordan B. Acker;
- e. Michael J. Behm;
- f. Mark J. Bernstein;
- g. Paul W. Brown;
- h. Sarah Hubbard;
- i. Denise Ilitch;
- j. Carl J. Meyers;
- k. Katherin E. White;
- l. Timothy G. Lynch;
- m. John Does Nos. 1–4.

**IT IS FURTHER ORDERED** that the deadline by which the remaining defendants, the University of Michigan and the Michigan Law Review Association, must answer or otherwise respond to Plaintiff's Complaint shall be extended to October 13, 2025.

**IT IS SO ORDERED.**

Date: July 30, 2025

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**STIPULATION**

The parties stipulate and agree to the entry of this Order.

/s/ Jonathan F. Mitchell (w/ consent)

Jonathan F. Mitchell  
Texas Bar No. 24075463  
Mitchell Law PLLC  
111 Congress Avenue, Suite 400  
Austin, TX 78701  
(512) 686-3940  
[jonathan@mitchell.law](mailto:jonathan@mitchell.law)

Ryan Giannetti\*  
DC Bar No. 1613384  
America First Legal Foundation  
611 Pennsylvania Avenue SE #231  
Washington, DC 20003  
(202) 964-3721  
[ryan.giannetti@aflegal.org](mailto:ryan.giannetti@aflegal.org)

Benjamin M. Flowers  
Ohio Bar No. 0095284  
Ashbrook Byrne Kresge Flowers LLC  
Post Office Box 8248  
Cincinnati, OH 45249  
(614) 705-6603  
[bflowers@abkf.com](mailto:bflowers@abkf.com)

*Counsel for Plaintiff*

/s/ Danielle Conley (w/ consent)

Danielle Conley (DC Bar No. 503345)  
Jude Volek (DC Bar No. 90024972)  
Christine C. Smith (DC Bar No.  
1658087)  
Jasmine D. Benjamin (DC Bar No.  
1782214)  
LATHAM & WATKINS LLP  
555 Eleventh Street, NW, Suite 1000  
Washington, D.C. 20004  
(202) 637-2200  
[danielle.conley@lw.com](mailto:danielle.conley@lw.com)  
[jude.volek@lw.com](mailto:jude.volek@lw.com)  
[christine.smith@lw.com](mailto:christine.smith@lw.com)  
[jasmine.benjamin@lw.com](mailto:jasmine.benjamin@lw.com)

Gary Feinerman (IL Bar No. 6206906)  
Ed Siskel (IL Bar No. 6279423)  
LATHAM & WATKINS LLP  
330 North Wabash Avenue, Suite 2800  
Chicago, IL 60611  
(312) 876-7700  
[gary.feinerman@lw.com](mailto:gary.feinerman@lw.com)  
[ed.siskel@lw.com](mailto:ed.siskel@lw.com)

/s/ Brian M. Schwartz

Brian M. Schwartz (P69018)  
MILLER, CANFIELD, PADDOCK AND  
STONE, P.L.C.  
150 West Jefferson, Suite 2500  
Detroit, MI 48226  
(313) 963-6420  
[schwartzb@millercanfield.com](mailto:schwartzb@millercanfield.com)

*Counsel for Defendants Michigan Law  
Review Association, University of  
Michigan, Heather Jane Foster,  
Nathaniel B. Magrath, Delpha  
Carpenter, Jordan B. Acker, Michael J.  
Behm, Mark J. Bernstein, Paul W.  
Brown, Sarah Hubbard, Denise Ilitch,  
Carl J. Meyers, Katherine E. White,  
Timothy G. Lynch*