

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

LAUREN RICHWINE and DEATH DONE
DIFFERENTLY LLC,

Plaintiffs,

v.

KATHLEEN DIANE MATUSZAK,
THOMAS SPROLES, FRANK DOWNING,
and CHRISTOPHER COOKE, in their
official capacities as members of the Indiana
State Board of Funeral & Cemetery Service;
THEODORE ROKITA, in his official
capacity as Attorney General of Indiana; and
LINDSAY HYER, in her official capacity as
Executive Director of the Indiana Professional
Licensing Agency,

Defendants.

Case No. 1:23-cv-370-HAB-SLC

JOINT MOTION TO STAY

The parties respectfully ask the Court to stay proceedings in the District Court until December 5, 2025, to provide Defendant Members of the Indiana State Board of Funeral & Cemetery Service with time to decide whether to seek review in the Supreme Court of the recent Court of Appeals decision in this case.

1. This case presents questions involving the First Amendment and occupational licensure.
2. On August 28, 2025, the Court of Appeals affirmed the preliminary injunction entered by this Court on December 19, 2023. ECF 38.

3. The Court of Appeals issued the mandate for its August 28, 2025, decision on September 22, 2025.

4. On September 24, 2025, this Court issued an order directing the parties to “file a proposed discovery plan under Fed. R. Civ. P. 26(f) on or before 10/01/2025.” ECF 56. The Court also set a telephonic scheduling conference for October 8, 2025, at 1:00 p.m. *Id.*

5. Defendants presently have a November 28, 2025, deadline to file a petition for a writ of certiorari in the Supreme Court. Defendants have not yet decided whether to seek review.

6. The parties agree that it makes sense to wait on formulating a discovery plan until Defendants either decide not to seek certiorari or until proceedings at the Supreme Court are concluded. Discovery will depend on the controlling constitutional rule.

7. Therefore, in the interests of conserving judicial and party resources, the parties respectfully ask the Court to stay the October 1, 2025, deadline for the Rule 26(f) report and remove the October 8, 2025, scheduling conference from the calendar.

8. The parties propose that the Court set a new deadline of December 5, 2025, for the parties to file either: (1) if Defendants do not seek Supreme Court review, the Rule 26(f) report (at which point the Court can reset the scheduling conference at the Court’s convenience); or (2) if Defendants do seek review, a motion to extend the stay until Supreme Court proceedings are concluded.

RESPECTFULLY SUBMITTED this 25th day of September 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September, 2025, a true and correct copy of the foregoing was filed via the ECF system and that all parties of record were thereby electronically served.

/s/ Benjamin A. Field

Benjamin A. Field

Counsel for Plaintiffs