

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF THE DISTRICT OF COLUMBIA**

CITIZENS FOR CONSTITUTIONAL
INTEGRITY,

Plaintiff,
v.

THE CENSUS BUREAU, *et al.*,

Defendants.

No. 21-cv-3045

JOINT MOTION FOR A SCHEDULING ORDER

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Attorneys for Defendants

Pursuant to Rule 7 of this Court's Local Rules, the parties respectfully move this Court to enter a new agreed-upon scheduling order in this matter. The parties' proposed scheduling order would substitute for the prior briefing schedule, ECF No. 16, which the parties had previously moved the Court to enter, but which has now been overtaken by subsequent filings in the case.

Plaintiff initiated this action on November 17, 2021, and moved for summary judgment, ECF No. 14. Defendants filed a motion to dismiss and a response to Plaintiff's summary judgment motion. ECF Nos. 17, 18. Then, Plaintiff filed an amended complaint. ECF No. 20. The parties agree that Plaintiff's amendment of its complaint under Rule 15(a) of the Federal Rules of Civil Procedure has rendered the parties' previously filed motions inoperative. Accordingly, the remainder of the prior briefing schedule is no longer applicable and should be vacated.

Under Federal Rule of Civil Procedure 15(a)(3), Defendants' response to the amended complaint is currently due April 4, 2022. And Plaintiff will file a new summary-judgment motion based on the operative complaint. So after meeting and conferring, the parties believe that the deadline to respond to the complaint should be vacated and the following omnibus briefing schedule entered:

1. Plaintiff's motion for summary judgment based on the operative complaint shall be filed on or before April 1, 2022.
2. Defendants' (a) response to the amended complaint, including any motion under Federal Rule of Civil Procedure 12, and (b) response to Plaintiffs' motion for summary judgment, shall be filed on or before April 19, 2022.

3. Plaintiff's (a) response to any motion under Rule 12, and (b) any reply to Defendants' response to Plaintiff's summary-judgment motion, shall be due on or before May 27, 2022.
4. Defendants' replies in support of any of its motions shall be due 14 days after Plaintiff submits its responses.

The parties believe that this schedule will best facilitate expeditious resolution of this matter and serve the interests of judicial economy. Accordingly, the parties respectfully request the Court to enter their proposed scheduling order.

Dated: March 30, 2022

/s/ Jared S. Pettinato
JARED S. PETTINATO

Attorney for Plaintiff

Respectfully submitted,

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/s/ Alexander V. Sverdlov
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[PROPOSED] ORDER

Upon joint motion by the parties and for good cause shown, the Court hereby orders:

The Scheduling Order dated January 25, 2022, is VACATED;

Plaintiff shall file its motion for summary judgment based on the operative complaint on or before April 1, 2022.

Defendants shall file their (a) response to the amended complaint, including any motion under Federal Rule of Civil Procedure 12, and (b) response to Plaintiffs' motion for summary judgment, on or before April 19, 2022.

Plaintiff shall file its (a) response to any motion under Rule 12, and (b) any reply to Defendants' response to Plaintiff's summary-judgment motion, on or before May 27, 2022.

Defendants shall file replies in support of any of its motions 14 days after Plaintiff submits its response.

So ordered.

Dated _____,

CARL J. NICHOLS
United States District Judge

Dated _____,

JUSTIN R. WALKER
United States Circuit Judge

Dated _____,

FLORENCE Y. PAN
United States District Judge