

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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DICK ANTHONY HELLER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No. 08-01289 (JEB)
v.)	
)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,)	
)	
Defendants.)	
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JOINT MOTION TO ESTABLISH A BRIEFING SCHEDULE

Pursuant to the Court’s Minute Order dated October 11, 2013, the parties, by and through undersigned counsel, respectfully move this Honorable Court to establish a new briefing schedule for dispositive briefing, and state as follows:

1. Pursuant to a Minute Order dated August 19, 2013, the Court established a schedule for dispositive briefing, including, *inter alia*, that the District’s Motion for Summary Judgment be filed on or before October 16, 2013.

2. On October 11, 2013, the Court granted the District’s unopposed motion to stay the briefing schedule in light of a lapse in federal appropriations to the District caused by the federal government shutdown. Specifically, the Court ordered that “(1) All filing deadlines in this case are STAYED for the duration of the present lapse in federal appropriations; and (2) When the federal government restores funding to the District, the parties shall agree on a proposed briefing schedule and present it to the Court for approval.” Minute Order (Oct. 11, 2013).

3. Federal appropriations were restored to the District on or about October 17, 2013, and the Court lifted its stay on October 18, 2013.

4. In accordance with the Court's October 11th Order, the parties have conferred concerning a schedule for dispositive briefing and jointly propose the following:

- a) The District shall file its Motion for Summary Judgment no later than November 5, 2013;
- b) Plaintiffs shall oppose the District's Motion and file their Cross-Motion for Summary Judgment no later than December 10, 2013;
- c) The District shall reply to the Plaintiffs' opposition and oppose Plaintiffs' Cross-Motion no later than January 8, 2014;
- d) Plaintiffs shall reply to the District's opposition no later than January 24, 2014.

A Memorandum of Points and Authorities in support of the above request is attached hereto and incorporated by reference herein. A proposed Order also is attached hereto.

WHEREFORE, the parties respectfully requests that this Honorable Court:

- A. Establish a briefing schedule in the form set forth above; and
- B. Grant any such other and further relief as the nature of its cause may require.

Dated: October 30, 2013

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE PARTIES’
JOINT MOTION TO ESTABLISH A BRIEFING SCHEDULE**

Plaintiffs and Defendants, by and through undersigned counsel, respectfully submit the following Points and Authorities in Support of their Joint Motion to Establish a Briefing Schedule.

A proposed Order is attached hereto.

- 5. Fed. R. Civ. P. 7(b).
- 6. Local Civil Rule 7(m).
- 7. The inherent powers of the Court.
- 8. The reasons set forth in the motion.
- 9. The record herein.

Dated: October 30, 2013

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ORDER

Upon consideration of the parties' Joint Motion to Establish a Briefing Schedule, it is hereby:

ORDERED that the motion is **GRANTED**, and it is further

ORDERED that the District shall file its Motion for Summary Judgment no later than November 5, 2013;

ORDERED that Plaintiffs shall oppose the District's Motion and file their Cross-Motion for Summary Judgment no later than December 10, 2013;

ORDERED that the District shall reply to the Plaintiffs' opposition and oppose Plaintiffs' Cross-Motion no later than January 8, 2014; and

ORDERED that Plaintiffs shall reply to the District's opposition no later than January 24, 2014.

JAMES E. BOASBERG
UNITED STATES DISTRICT JUDGE

Copies to:
Counsel for Parties via ECF