

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

SECULAR STUDENT ALLIANCE, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION, *et al.*,

Defendants.

CASE NO.: 1:21-cv-00169-ABJ

JOINT MOTION TO STAY

The Parties hereby request a stay of this case to allow Defendants to consider regulatory options that may obviate the need for this litigation. In support of this motion, the Parties submit the following:

1. The Secular Student Alliance (“SSA”) and Mr. Declan Galli filed this suit on January 19, 2021, challenging a provision of the U.S. Department of Education’s (“ED”) rulemaking entitled “Direct Grant Programs, State-Administered Formula Grant Programs, Non Discrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, Developing Hispanic-Serving Institutions Program, Strengthening Institutions Program, Strengthening Historically Black Colleges and Universities Program, and Strengthening Historically Black Graduate Institutions Program” (“the Rule”), 85 Fed. Reg. 59,916 (Sept. 23, 2020). ECF No. 1.
2. On January 20, 2021 new leadership assumed responsibility for ED.
3. ED has informed undersigned counsel for Defendants that it is considering regulatory options related to the Rule that may moot or limit the issues in this litigation.
4. To preserve judicial resources and maximize the efficient resolution of this case, the

Parties jointly request that the Court stay this case to allow Defendants time to consider regulatory options related to the Rule.

5. The Parties propose to file a joint status report updating the Court on ED's regulatory activities related to the Rule no later than 90 days from the Court's order on this motion, and then every 60 days thereafter.
6. Each status report will also contain the Parties' position on whether the case should continue to be stayed.

Pursuant to Local Rule 7(c), a proposed order is attached.

Dated: April 20, 2021

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