

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

SUSAN MOJICA and THOMAS MOJICA

PLAINTIFFS

V.

CASE NO. 5:14-CV-5258

SECURUS TECHNOLOGIES, INC.

DEFENDANT

OPINION AND ORDER

Currently before the Court are Defendant Securus Technologies, Inc.'s ("Securus") Emergency Motion to Continue All Dates in the Final Case Management Order Pending a Status Conference to Address Briefing Regarding Recent Decision Vacating the FCC's ICS Order (Doc. 249), and Plaintiffs Susan Mojica's and Thomas Mojica's Response in Opposition (Doc. 250). For the reasons given below, Securus's Motion is **DENIED**.

On June 13, 2017, the United States Court of Appeals for the District of Columbia Circuit entered an opinion and order ("the D.C. Circuit decision") vacating certain provisions of a 2015 Federal Communications Commission order ("the 2015 FCC order") that had set permanent rate caps and ancillary fee caps for inmate calling services. The next day, Securus filed the instant Motion, arguing that all deadlines and settings in this case should be continued pending supplemental briefing on the D.C. Circuit decision, because "[t]hese holdings by the D.C. Circuit dramatically affect Plaintiffs' claims before this Court, including impacting pending and potentially dispositive motions" for summary judgment, for primary jurisdiction referral, to exclude experts, and to decertify the class. See Doc. 249, pp. 4–6. The Mojicas oppose this Motion, but "do not object to the Court

granting the parties leave to file reply briefs not to exceed ten (10) pages in length in support of' the other currently pending motions. See Doc. 250, p. 2.

The Court has been closely following this D.C. Circuit case and related litigation throughout its pendency, and is sure the parties have been as well. Having reviewed the D.C. Circuit decision, the oral argument in that case, and much of the briefing in it as well, the Court is quite confident that there are no issues or arguments implicated by the D.C. Circuit decision with which this Court and the parties in this case were not already very familiar. Of course, the rulings therein are important, as is the reasoning on which the D.C. Circuit based them. This Court is sure the parties will have much to say about it, and the Court will give the D.C. Circuit decision all due weight and consideration. But the Court does not believe any continuances for supplemental briefing are warranted, given everyone's preexisting and extensive familiarity with the matters discussed in the D.C. Circuit decision.

Responses to the pending Motions for Class Decertification (Doc. 224), Summary Judgment (Docs. 232, 237) and to Exclude (Docs. 235, 240, 242) are all currently due by June 30, 2017. See Doc. 189, p. 3, § 5. The parties are welcome and encouraged to discuss the D.C. Circuit decision in those responses. The Court will also give the parties advance leave to file replies in support of these Motions, no longer than ten (10) pages each, by no later than July 5, 2017. This should afford the parties sufficient opportunity to brief the Court on the D.C. Circuit decision's ramifications for the instant case.

IT IS THEREFORE ORDERED that Defendant Securus Technologies, Inc.'s Emergency Motion to Continue All Dates in the Final Case Management Order Pending

a Status Conference to Address Briefing Regarding Recent Decision Vacating the FCC's ICS Order (Doc. 249) is **DENIED**.

IT IS SO ORDERED on this 21st day of June, 2017.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE