

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

STUDENTS FOR FAIR ADMISSIONS,)	
INC.,)	
)	
Plaintiffs,)	
)	JOINT MOTION FOR PARTIAL
v.)	STAY OF PROCEEDINGS
)	
THE UNIVERSITY OF NORTH)	
CAROLINA AT CHAPEL HILL, et al.,)	
)	
Defendants.)	
)	
)	

Defendants the University of North Carolina at Chapel Hill, et al. (“Defendants”) previously filed a motion for stay of proceedings pending a decision by the Supreme Court in *Fisher v. Univ. of Texas at Austin*, No. 14-981 (“*Fisher II*”) (Dkt. 46, 47). Plaintiff Students for Fair Admissions, Inc. previously opposed that motion and continues to do so (Dkt. 52). Notwithstanding the parties’ disagreement, Plaintiff and Defendants have agreed to a partial stay of the proceedings pending the resolution of *Fisher II* on the condition that Defendants make production of certain agreed-upon materials. Accordingly, the parties jointly respectfully move that the Court enter an order partially staying this action pending a decision by the Supreme Court in *Fisher II*.

The Court has discretionary authority to stay proceedings “incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. North Am.*

Co., 299 U.S. 248, 254 (1936). On July 6, 2015, Defendants moved to stay all proceedings pending a decision by the Supreme Court in *Fisher II*. (Dkt. 46.) Although Plaintiff initially opposed that motion and continue to do so, the parties have negotiated a resolution that would permit certain factual discovery while awaiting the Supreme Court's decision in *Fisher II*. The parties believe that this resolution would preserve their resources and promote judicial efficiency and economy.

The parties have agreed that, by December 31, 2015, Defendants will produce (i) the factual materials covered in the parties' Stipulation entered as an Order of the Court on September 8, 2015 (Dkt. 62) and (ii) certain additional policy documents from the 2013-2014 and 2014-2015 admissions cycles that are partially responsive to Plaintiff's discovery requests. With the exception of any action taken to enforce this agreement, the parties respectfully request that all other proceedings in this case, including discovery, be stayed pending the Supreme Court's decision in *Fisher II*. Should the Court grant this motion, Defendants will withdraw their Motion to Stay Proceedings (Dkt. 46).

A proposed Order is attached.

Respectfully submitted this 30th day of September, 2015.

ROY COOPER
Attorney General

/s/ Stephanie Brennan
Stephanie Brennan
Special Deputy Attorney General
NC State Bar No. 35955
E: sbrennan@ncdoj.gov

/s/ Matthew Tulchin
Matthew Tulchin
Assistant Attorney General
NC State Bar No. 43921
E: mtulchin@ncdoj.gov
NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629
T: (919) 716-6920

/s/ Michael Scudder
Michael Scudder
Skadden, Arps, Slate, Meagher & Flom LLP
155 North Wacker Driver
Chicago, IL 60606-1720
(312) 407-0877
E: michael.scudder@skadden.com

/s/ Lisa Gilford
Lisa Gilford
Skadden, Arps, Slate, Meagher & Flom LLP
300 South Grand Ave.
Suite 3400
Los Angeles, CA 90071
(213) 687-5130
E: lisa.gilford@skadden.com

Attorneys for Defendants

/s/ Thomas R. McCarthy
Thomas R. McCarthy
Consovoy McCarthy PLLC
3033 Wilson Boulevard, Suite 700
Arlington, Virginia 22201
(703) 243-9423
E: tom@consovoymccarthy.com

/s/ William S. Consovoy
William S. Consovoy
Consovoy McCarthy PLLC
3033 Wilson Boulevard, Suite 700
Arlington, Virginia 22201
(703) 243-9423
E: will@consovoymccarthy.com

/s/ J. Michael Connolly
J. Michael Connolly
Consovoy McCarthy PLLC
3033 Wilson Boulevard, Suite 700
Arlington, Virginia 22201
(703) 243-9423
E: mike@consovoymccarthy.com

/s/ Alan M. Ruley
NC State Bar No. 16407
Bell, Davis & Pitt, P.A.
P.O. Box 21029
Winston Salem, NC 27120-1029
(336) 714-4147
E: aruley@belldavispitt.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2015, I filed a true and correct copy of the foregoing JOINT MOTION TO STAY PROCEEDINGS with the Clerk of Court using the CM/ECF system.

This 30th day of September, 2015.

/s/ Michael Scudder
Michael Scudder
Skadden, Arps, Slate, Meagher &
Flom LLP
155 North Wacker Driver
Chicago, IL 60606-1720
(312) 407-0877
E: michael.scudder@skadden.com