

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VICTOR M. BOOTH, *et al.*,

Plaintiffs,

and

JOSHUA A. MAZER,

Plaintiff,

v.

MURIEL BOWSER, *et al.*,

Defendants.

**Civil Action Nos. 21-01857 (TNM)
and 21-01782 (TNM)**

JOINT MOTION FOR A STAY

Plaintiffs Joshua Mazer, individually and on behalf of his minor child (the Mazer Plaintiff), and Victor M. Booth, Shameka Williams, Shanita Williams, and Jane Hellewell, individually and on behalf of their minor children (the Booth Plaintiffs) (collectively referred to as Plaintiffs) and defendants the District of Columbia Department of Health; Sharon Lewis, in her official capacity as Interim Director of the District of Columbia Department of Health; Lewis Ferebee, in his official capacity as Chancellor of D.C. Public Schools, and Muriel Bowser, in her official capacity as Mayor of the District of Columbia (collectively referred to as Defendants, and Plaintiffs and Defendants collectively referred to as the Parties) request a stay of litigation until the District of Columbia Minor Consent for Vaccinations Amendment Act of 2020, D.C. Law 23-193, (the Act) is permanently repealed or until January 6, 2023, whichever comes sooner. See Fed. R. Civ. P. 6(b)(1)(A).

On March 18, 2022, the Court issued a Memorandum Opinion [47] and Orders [48], [35], granting Plaintiffs' motions for preliminary injunction and denying, in part, the Defendants'

Motions to Dismiss [36], [28]. Subsequently, the Court issued a Memorandum Order [49], [36], granting the Defendants' Motions to Dismiss as to the remaining claims. The Court then ordered the Parties to submit a joint proposed scheduling order by April 8, 2022, *see* Minute Order (March 24, 2022), which deadline was subsequently extended to May 9, 2022 on Defendants' consent motion. The Parties then requested stays of litigation as the Parties conducted settlement negotiations [38], [42]. On August 24, 2022, the Court Ordered the Stay be continued for an additional 30 days and the Parties to file a Joint Status Report on or before September 26, 2022. *See* Minute Order (August 24, 2022).

On July 29, 2022, the Consent for Vaccinations of Minors Emergency Act of 2022 (the Emergency Act) was enacted which temporarily repeals the Act.¹ The Emergency Act expires on October 23, 2022. Currently, the Consent for Vaccinations of Minors Temporary Amendment Act of 2022 (the Temporary Act) is awaiting congressional review. If it is enacted, it will also repeal the Act but will expire 225 days after having taken effect.² The Consent for Vaccinations of Minors Amendment Act of 2022 (the Permanent Repeal) was introduced on July 13, 2022 and is currently under council review, scheduled for public hearing on September 28, 2022.³ Should this be enacted, it will permanently repeal the Act.

The Parties now seek the current stay for good cause, as the Parties believe this matter can be resolved without the need for further litigation, and further request that the joint status report currently due on September 26, 2022 be due instead on January 6, 2023. No other existing deadline will be affected by the proposed extension, and no party will suffer prejudice, as discovery has not begun. Pursuant to Local Civil Rule 7(m), the Parties conferred on this motion, and Defendants' counsel consents to the relief requested. A supporting memorandum of points and authorities and a proposed order are attached.

Dated: September 2, 2022

Respectfully submitted,

¹ See <https://lims.dccouncil.us/Legislation/B24-0890>.

² See <https://lims.dccouncil.us/Legislation/B24-0891>.

³ See <https://lims.dccouncil.us/Legislation/B24-0942>.

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF JOINT MOTION FOR A STAY**

In support of their Consent Motion for a Stay, the Parties rely on the following:

1. Fed. R. Civ. P. 6(b)(1)(A);
2. “Good cause” for the relief sought, as explained in the accompanying motion;
3. LCvR 7(m), and Defendants’ consent to the relief sought; and
4. The inherent powers of the Court.

Dated: September 2, 2022

Respectfully Submitted,

/s/ Aaron Siri

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ORDER

Upon consideration of the Joint Motion for a Stay (Motion) and the entire record, it is:

ORDERED that the Motion is **GRANTED**; and it is further

ORDERED that the above-referenced actions are stayed until the permanent repeal of the Act or January 6, 2023, whichever comes sooner; and it is further

ORDERED that the Parties shall file a Joint Status Report by no later than January 6, 2023 updating the Court on the status of the permanent repeal of the District of Columbia Minor Consent for Vaccinations Amendment Act of 2020, D.C. Law 23-193, (the Act).

SO ORDERED.

Dated: _____

THE HONORABLE TREVOR N. McFADDEN
Judge, United States District Court
for the District of Columbia