

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARVIN WASHINGTON, et al.,

Plaintiffs,

-against-

JEFFERSON BEAUREGARD SESSIONS, III, et
al.,

Defendants.
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ORDER

17 Civ. 5625 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

At the case management conference held September 8, 2017, I suggested to the parties that discovery proceed according to a schedule to be agreed to, and that a motion to dismiss by the government be deferred. The government insists, however, that it wishes to test the legal sufficiency of the complaint before discovery, and that it can file a motion promptly.

Upon reconsideration, I order as follows:


1. The government shall file its motion, pursuant to either Fed. R. Civ. P. 12(b), or, upon answering, pursuant to Fed. R. Civ. P. 12(c), by October 13, 2017.
2. Plaintiffs shall file opposition papers by November 3, 2017.
3. The government shall file reply papers by November 15, 2017.
4. Discovery shall await determination of this motion.



5. Both parties shall prepare the papers required for their Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1), so that production can be made within seven days after the motion is determined, if it is determined favorably to plaintiffs.

SO ORDERED.

Dated: New York, New York
September 20, 2017



ALVIN K. HELLERSTEIN
United States District Judge