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8 *Attorneys for Defendants*

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 Andrew J. Brigida, on behalf of himself
and the Class he seeks to represent,

12 Plaintiff,

13 v.

14 United States Department of
15 Transportation, *et al.*,

16 Defendants.

Case No. 2:15-cv-02654-DLR

**STIPULATION TO STAY
PROCEEDINGS**
(First Request)

17
18 **STIPULATION**

19 Pursuant to LRCiv 7.3, all parties to this action¹ hereby stipulate, subject to the
20 Court’s approval, to stay proceedings in this matter pending anticipated legislative action
21 that, as relevant to this case, could modify FAA’s practices in hiring air traffic control
22 specialists. As grounds for this stay, the parties respectfully state as follows:

23 1. “A district court has discretionary power to stay proceedings in its own
24 court.” *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005) (citing *Landis v. N.*

25 ¹ The parties are Plaintiff Andrew J. Brigida and Defendants U.S. Department of
26 Transportation (“DOT”); DOT Secretary Anthony R. Foxx; Federal Aviation
27 Administration (“FAA”); FAA Administrator Michael Huerta; Stephanie Jones, Acting
28 Director of DOT’s Departmental Office of Civil Rights (“DOCR”); Equal Employment
Opportunity Commission (“EEOC”); and EEOC Chair Jenny R. Yang.

1 *Am. Co.*, 299 U.S. 248, 254 (1936)). “[T]he power to stay proceedings is incidental to
2 the power inherent in every court to control the disposition of the causes on its docket
3 with economy of time and effort for itself, for counsel, and for litigants.” *Landis*, 299
4 U.S. at 254.

5 2. Plaintiff, on behalf of a putative class, seeks relief in this case concerning
6 the FAA’s practices in hiring air traffic control specialists, particularly in relation to
7 graduates from the Collegiate Training Initiative program. *See* First. Am. Compl. [Dkt.
8 No. 18] ¶¶ 24-33, 54, 94, 104, *prayer for relief*.

9 3. At present, Defendants’ deadline to respond to Plaintiffs’ First Amended
10 Class Action Complaint is June 10, 2016. *See* Dkt. No. 20.

11 4. The FAA’s existing statutory authorization (and thus its funding) runs
12 through July 15, 2016. *See* Airport and Airway Extension Act of 2016, Pub. L. No. 114-
13 141. Accordingly, it is anticipated that Congress will act by that date to reauthorize the
14 FAA. *See* Bart Jansen, *FAA Authorization Extended to July 15*, USA TODAY, Mar. 21,
15 2016.²

16 5. The U.S. Senate already has passed a bill, by a vote of 95-3, to reauthorize
17 the FAA past July 15, 2016. *See* Federal Aviation Administration Reauthorization Act of
18 2016, H.R. 636, 114th Cong. (2016) (as passed by Senate, Apr. 19, 2016). The U.S.
19 House of Representatives is being encouraged to pass this or a similar bill for FAA
20 reauthorization. *See* Letter from Sens. Thune and Nelson to Reps. Shuster and DeFazio
21 (May 24, 2016).³

22 6. The bill passed by the Senate contains language modifying the FAA’s
23 hiring practices for air traffic control specialists, including in relation to graduates from
24 the Collegiate Training Initiative program. *See id.* § 4204. These or similar

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26 ² Available at <http://www.usatoday.com/story/news/2016/03/21/faa-authorization-extended-july-15/82089950/>

27 ³ Available at <https://www.enotrans.org/wp-content/uploads/2016-05-24-Thune-Nelson-to-Shuster-DeFazio.pdf>
28

1 modifications, if ultimately enacted, could significantly affect whether and in what
2 manner this lawsuit proceeds—with impacts potentially including mootness, a consensual
3 resolution, and/or amendment of the complaint.

4 7. In view of the Senate’s concrete action and the considerable possibility that
5 legislation anticipated by July 15, 2016 could significantly affect the course of this
6 lawsuit, the parties believe that a stay of proceedings in this case is appropriate to prevent
7 potentially unnecessary or misdirected expenditure of resources by the Court and the
8 parties. A stay of limited duration will neither unduly delay progress in this litigation nor
9 prejudice any party.

10 8. The parties propose to file a joint status report no later than the earlier of (1)
11 two weeks after the enactment into law of legislation reauthorizing the FAA past July 15,
12 2016; or (2) July 29, 2016. The status report will advise the Court of pertinent
13 developments and propose next steps in this litigation. All other proceedings in this
14 action will be stayed in the interim, and Defendants’ existing June 10, 2016 deadline to
15 respond to the First Amended Class Action Complaint will be vacated.

16 9. No prior stay has been requested or granted in this matter, and all parties
17 consent in this request. A proposed form of Order consistent with the relief requested is
18 attached for the Court’s consideration.

19
20 DATED: June 3, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2016 I electronically filed the foregoing document using the Court’s CM/ECF System, which will send notice of this filing to all counsel of record.

/s/ Arjun Garg
ARJUN GARG