

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JOHN DOE,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 3:16-CV-30184-MAP
v.)	
)	
WILLIAMS COLLEGE,)	
)	
Defendant.)	
)	

**JOINT MOTION TO LIFT STAY, ALLOW PLAINTIFF TO AMEND HIS
COMPLAINT, CONTINUE HEARING, AND ENTER NEW SCHEDULING ORDER**

Plaintiff “John Doe” and defendant Williams College jointly move for entry of an order that would (1) lift the Court’s current Stay of Proceedings, which currently extends through February 28, 2017, (2) allow Doe to amend his complaint, (3) continue the hearing on all pending motions, which is currently scheduled for March 2, and (4) enter a new scheduling order. The reason for this motion is that Plaintiff intends to seek leave to amend his complaint to include new developments in the College disciplinary case that is the subject of this lawsuit. The College agrees that the Complaint should be amended to reflect these developments. Doing so, however, will require the parties to update their filings in relation the College’s Motion to Dismiss and the Plaintiff’s Motion for Preliminary Injunction, both of which are scheduled for hearing on March 2. The Parties respectfully suggest that a new hearing date, and new scheduling order in advance of that date, would best serve the efficient resolution of this case.

In support of their motion, the Parties state as follows:

1. This case arises from a student conduct proceeding at Williams College, in which the Plaintiff was found responsible for sexual misconduct and expelled. Doe sued the College

and filed, among other things, a motion for a preliminary injunction and a motion for leave to proceed pseudonymously.

2. The College filed a motion to dismiss Doe's Amended Complaint for failure to state a claim and a motion for reconsideration of the Court's order allowing Doe to proceed pseudonymously.

3. The College also filed a motion to stay all proceedings in this case pending the final outcome of Doe's disciplinary case at the College. Doe had filed an appeal from the Hearing Panel's finding that he engaged in sexual misconduct and the sanction of dismissal. Doe withdrew his opposition to the motion to stay when the College committed to resolve Doe's appeal no later than February 28.

4. On January 5, 2017, the Court entered an order staying all proceedings in the case through February 28 and scheduling a hearing on March 2, 2017, on all pending motions. (Dkt. No. 44.)

5. The College recently completed its handling of Doe's appeal. The appellate officer remanded the case to the Hearing Panel for further deliberation. The Panel reaffirmed its determination that Doe violated the College's code of conduct and should be expelled as a result. The disciplinary proceedings are now final.

5. Doe intends to file a motion for leave to file a Second Amended Complaint, which will include new allegations relating to the handling of his appeal. The new complaint will not contain any new defendants or new causes of action.

5. The College agrees that Doe should be permitted to amend the complaint to include the new facts relating to his appeal. The College, however, will want to supplement the memorandum in support of its motion to dismiss, so that it encompasses all the allegations of any

further amended complaint. Doe, in turn, will want the opportunity to respond to the College's supplemental argument in support of its motion to dismiss.

6. In light of the foregoing, the Parties respectfully request that the Court enter an order that (1) lifts the stay of proceedings, (2) grants Doe leave to file a Second Amended Complaint; (3) continues the hearing on all pending motions to a new date on or after March 27, and (4) enters a new scheduling order for events leading to the new hearing date, as follows:

- a. Doe will file his Second Amended Complaint no later than February 24, 2017.
- b. The College will supplement the memorandum in support of its motion to dismiss no later than March 10, 2017.
- c. Doe will file his response to the College's supplemental memorandum no later than March 20.
- d. All pending motions will be heard on March 27, 2017 or such later date as the Court may determine.

7. Alternatively, the Parties request that the Court continue the hearing currently scheduled for March 2 and conduct a status conference on that date.

Respectfully submitted,

JOHN DOE,

WILLIAMS COLLEGE,

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Certificate of Service

This document was served electronically upon all counsel of record by filing through the ECF system on February____, 2017.

/s/ Elizabeth H. Kelly
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