

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

GEORGE STEWART,

Plaintiff,

v.

TEXAS TECH UNIVERSITY HEALTH
SCIENCES CENTER, et al.,

Defendants.

No. 5:23-CV-007-H

ORDER

Before the Court is the University of Texas at Austin, Jay Hartzell, Claudia Lucchinetti, Steve Smith, and Joel Daboub's (collectively, the UT Austin Defendants) Opposed Motion for Temporary Abatement. Dkt. No. 13. The UT Austin Defendants seek to temporarily abate these proceedings because the Office of the Attorney General has postponed a decision on their representation request while two related Equal Protection cases remain pending before the Supreme Court. *Id.* at 2–4.

The plaintiff opposes abating these proceedings, explaining that he “cannot rule out the possibility” that he may wish to amend his complaint or move for a preliminary injunction. Dkt. No. 17 at 2. He does not, however, oppose “additional extensions of the answer deadline if the [UT Austin Defendants] are unable to retain counsel by May 12, 2023,” or if the UT Austin Defendants’ counsel “decide that they want to wait for the [Supreme Court] rulings before filing their answer.” *Id.*

Because the plaintiff’s proposed solution reasonably addresses the UT Austin Defendants’ concerns, the Court finds that the more drastic alternative of abatement is not justified under these circumstances. Should the UT Austin Defendants be unable to retain

counsel by May 12, 2023, or should their counsel seek to wait for the resolution of pending litigation to file an answer, the Court will entertain further motions to extend the answer deadline as appropriate. The Motion for Temporary Abatement is denied.

So ordered on April 11, 2023.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE