

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DATA MARKETING PARTNERSHIP, LP,
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
LABOR, et al.,

Defendants.

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) Civil Action No. 4:19-cv-00800-O
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JOINT STATUS REPORT

Pursuant to this Court’s April 8, 2025 Order (ECF No. 75), the parties submit this joint status report setting forth the parties’ proposal as to how this Court should proceed with this case.

The parties agree, in light of the Court’s orders and the Fifth Circuit’s August 17, 2022 Opinion, that further consideration of Plaintiffs’ request for a permanent injunction requires discovery into the issue prescribed by the Fifth Circuit’s mandate on remand of the facts related to analysis of the terms “working owner” and “bona fide partner” as those terms relate to Data Marketing Partnership’s (DMP) limited partners.

Plaintiffs clarify that they are seeking the following injunction: “Defendants are enjoined from refusing to acknowledge that limited partners of DMP who meet the Plan’s Partnership Work Requirements are ‘working owners’ and ‘bona fide partners’ such that the DMP Plan is an ERISA-covered employee welfare benefit plan.”

In light of the scope of the injunction sought, the parties jointly propose that the Court set the following schedule:

- A fact discovery period shall extend from May 5, 2025 through January 16, 2026, for the parties to discover facts relevant to the analysis of the terms “working owner” and “bona fide partner” as those terms relate to DMP’s limited partners, as remanded by the Fifth Circuit.
- On or before March 17, 2026, Plaintiffs shall file a motion for summary judgment regarding their requested permanent injunction (not to exceed 30 pages).
- On or before May 1, 2026, Defendants shall file their opposition to Plaintiffs’ motion for summary judgment consolidated with Defendants’ cross-motion for summary judgment regarding Plaintiffs’ requested permanent injunction (not to exceed 30 pages).
- On or before June 15, 2026, Plaintiffs shall their reply brief in support of their motion for summary judgment consolidated with their opposition to Defendants’ cross-motion for summary judgment (not to exceed 20 pages).
- On or before July 30, 2026, Defendants shall file their reply in support of their cross-motion for summary judgment (not to exceed 20 pages).

There is good cause to enter this proposed discovery and briefing schedule. The Court determined that “the facts in the current record are insufficient,” Order at 1, because “the Court cannot determine if ‘these particular working owners qualify’ without the facts necessary to consider” the relevant factors, *id.* at 5. Accordingly, the parties need a reasonable period for the full spectrum of discovery tools to determine the relevant facts applicable to DMP’s limited partners for the Court’s analysis. The parties also propose a staggered briefing schedule to reduce the total volume of briefing on cross-motions for summary judgment and to increase the parties’ efficiency in presenting the issues to the court. The parties agree that this proposed schedule will not prejudice any party.

For the foregoing reasons, the parties request that the Court enter the discovery and briefing schedule proposed above.

Dated: May 5, 2025

/s/ Jonathan D. Crumly

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CERTIFICATE OF SERVICE

On May 5, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served the parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Galen N. Thorp
Galen N. Thorp