

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

Jerry Rodriguez, on behalf of himself
and others similarly situated,

Plaintiff,

v.

Remy Coeytaux,

Defendant.

Case No. 3:25-cv-225

**Motion To Stay Plaintiff's Deadline To Respond To Defendant's
Motion To Dismiss Until Court Rules On Motion For Leave To File
A Second Amended Complaint**

Plaintiff Jerry Rodriguez's response to Coeytaux's motion to dismiss is due on Monday, June 15, 2026. Yesterday, Mr. Rodriguez filed an opposed motion for leave to file a second amended complaint. *See* Docket Entry No. 45. Mr. Rodriguez respectfully asks the Court to stay his deadline for responding to Coeytaux's motion to dismiss until after the Court rules on his motion for leave to amend.

The motion for leave to amend, if granted, will moot Coeytaux's motion to dismiss the first amended complaint. It undermines judicial economy and wastes scarce attorney resources to compel Mr. Rodriguez's lawyer to finish and file his response to Coeytaux's pending motion to dismiss while the Court is still considering the motion for leave to file a second amended complaint. Rule 15(a)(2) instructs courts to "freely give leave" to amend "when justice so requires," and Rodriguez's motion is likely to be granted under this generous standard. The Court should therefore stay

Rodriguez's deadline for responding to the motion to dismiss until after the Court rules on the pending motion for leave to amend.

We have conferred with Coeytaux's attorneys and they oppose this motion. A proposed order is attached.

Respectfully submitted.

/s/ Jonathan F. Mitchell

Jonathan F. Mitchell

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Dated: June 9, 2026

Counsel for Plaintiff

CERTIFICATE OF CONFERENCE

I certify that I have conferred with Christopher M. Odell, counsel for the defendant, and he opposes this motion.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on June 9, 2026, I served this document through CM/ECF upon:

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**Order Granting Motion To Stay Plaintiff's Deadline To Respond To
Defendant's Motion To Dismiss Until Court Rules On Motion For
Leave To File A Second Amended Complaint**

Plaintiff Jerry Rodriguez's motion to stay the deadline to respond to defendant Coeytaux's motion to dismiss until the Court rules on the pending motion for leave to file a second amended complaint is GRANTED. The deadline for responding to the motion to dismiss the first amended complaint is STAYED until the Court rules on the plaintiff's motion for leave to amend his pleading.

Dated: _____

HON. JEFFREY V. BROWN
United States District Judge