

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

DAVID SAMBRANO, individually and
on behalf of all others similarly
situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21-cv-01074-P

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE
TO FILE SUPPLEMENTAL BRIEF**

Pursuant to Local Civil Rule 56.7, Plaintiffs respectfully request leave to file a short supplemental brief that addresses the impact of the Supreme Court's recent decision in *Muldrow v. City of St. Louis*, 601 U.S. --, 144 S. Ct. 967 (Apr. 17, 2024), on the pending motions for reconsideration (Doc. 241) and class certification (Doc. 238). That decision, which addressed what a Title VII plaintiff must show to demonstrate harm with respect to "an identifiable term or condition of employment," has significant implications for each of these pending motions.¹

Accordingly, Plaintiffs request leave to file a 5-page brief by May 10, 2024, addressing *Muldrow* and its impact on the pending motions. Additionally, Plaintiffs

¹ Recognizing the Court's previous admonition (Doc. 100) that parties should not engage in supplemental argument without first obtaining leave to do so, Plaintiffs refrain from discussing further the merits of these pending motions or the specific reasons why Plaintiffs believe that *Muldrow* is applicable.

request that any supplemental brief that United files also be limited to five pages and be due by May 10, 2024.

In filing this Motion, Plaintiffs appreciate and share the Court's interest in moving this case forward. *See* Doc. 233 at 1 n.1. For that reason, Plaintiffs propose only short briefs on this issue and deadlines that should not impose any substantial delays. Considering the significance of the issue, which Plaintiffs will address in detail in their supplemental brief, they believe it is important to provide the Court with a discussion of the various ways *Muldrow* impacts the resolution of the pending motions.

April 25, 2024

Respectfully submitted,

/s/ Mark R. Paoletta

Mark R. Paoletta*
D.C. Bar No. 422746
Gene C. Schaerr*
D.C. Bar No. 416368
Brian J. Field*
D.C. Bar No. 985577
Cristina Martinez Squiers
Texas Bar No. 24093764
SCHAERR | JAFFE LLP
1717 K Street NW, Suite 900
Washington, DC 20006
Telephone: (202) 787-1060
Facsimile: (202) 776-0136
mpaoletta@schaerr-jaffe.com

/s/ John C. Sullivan

John C. Sullivan
Texas Bar No. 24083920
David Austin R. Nimocks
Texas Bar No. 24002695
S|L LAW PLLC
610 Uptown Boulevard, Suite 2000
Cedar Hill, TX 75104
Telephone: (469) 523-1351
Facsimile: (469) 613-0891
john.sullivan@the-sl-lawfirm.com

* Admitted *pro hac vice*

CERTIFICATE OF CONFERENCE

On April 24, 2024, counsel for Plaintiffs conferred with Don Munro, counsel for United, concerning the relief requested in this Motion. Mr. Munro stated that United does not oppose the relief requested in this motion.

/s/ Brian J. Field

Brian J. Field

CERTIFICATE OF SERVICE

On April 25, 2024, I filed the foregoing document with the clerk of court for the United States District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rule of Civil Procedure 5(b)(2) (ECF System).

/s/ Brian J. Field

Brian J. Field

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[PROPOSED] ORDER

This Court has considered Plaintiffs' motion for leave to file a supplemental brief. The motion is **GRANTED**.

Accordingly, the parties shall file any supplemental briefs addressing the Supreme Court's decision in *Muldrow v. City of St. Louis* by May 10, 2024. No such brief shall exceed five pages.

SO ORDERED on April ___, 2024.

Mark T. Pittman
UNITED STATES DISTRICT JUDGE