

No. 25-2358

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**ZANDER SCHLACTER, *ET AL.*,**

*Plaintiffs-Appellees,*

v.

**U.S. DEPARTMENT OF STATE, *ET AL.*,**

*Defendants-Appellants.*

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On Appeal from the United States District Court  
for the District of Maryland

(The Honorable George L. Russell,  
United States District Judge for the District of Maryland)

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**JOINT MOTION TO STAY  
PENDING FINAL DISPOSITION OF *ORR, ET AL. V. TRUMP, ET AL.***

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The Parties, by and through respective counsel, and pursuant to this Court's inherent power to control its docket, *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936), jointly move to stay this matter pending the final disposition of *Orr, et al., v. Trump, et al.*, United States District Court for the District of Massachusetts, Case No. 1:25-cv-10313-JEK, and state:

1. This matter arises out of Plaintiffs' April 25, 2025 filing of a Complaint for Declaratory and Injunctive Relief and May 15, 2025 Motion for Preliminary

Injunctive Relief regarding the Passport Policy.<sup>1</sup> On September 9, 2025, the District Court granted Plaintiffs' Motion as to Plaintiffs Peter Poe, Lia Hepler-Mackey, Kris Koe, Jill Tran, David Doe, and Zander Schlacter's Equal Protection claim (Count I) and denied without prejudice all remaining Counts; and, denied Plaintiffs' Motion as to Plaintiff Robert Roe, and dismissed his claims. ECF No. 66. Defendants noted a timely appeal, which remains pending. Doc. No. 1.

2. Some issues present in this case are currently under review in the United States Court of Appeals for the First Circuit. *See Orr, et al., v. Trump, et al.*, United States Court of Appeals for the First Circuit, Case No.: 25-1579 (lead case: *Orr, et al., v. Trump, et al.*, United States District Court for the District of Massachusetts, Case No. 1:25-cv-10313-JEK). The Government filed its opening brief on December 30, 2025, and Appellees' brief is due on March 2, 2026.

3. On December 22, 2025, the parties filed a joint motion to stay proceedings in the District Court, pending the resolution of *Orr*. ECF No. 72. The District Court granted the parties' motion that same day. ECF No. 73.

4. Courts routinely grant stays pending the outcome of a similar suit instituted earlier in another court. *See, e.g., Amdur v. Lizars*, 372 F.2d 103, 106 (4th Cir. 1967) (citing *Landis*, 299 U.S. at 254-55). In considering a motion to stay, the

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<sup>1</sup> The District Court described the "Passport Policy" as the State Department's policy of issuing passports with an "M" or "F" sex marker that matches an individual's "biological sex at birth."

Court should “exercise [its] judgment,” evaluate “economy of time and effort for itself, for counsel, and for litigants,” and “weigh competing interests and maintain an even balance.” *Id.*

5. Judicial economy will be served by this jointly requested stay because the resolution of the issues in *Orr*, which is at a more advanced stage of litigation (including potential Supreme Court review), may be relevant to the future course of the case, including on the next decisions this Court and the District Court must make. Awaiting such resolution before proceeding is more efficient than proceeding without it because the resolution of *Orr* may be relevant to the legal issues here or potentially narrow them and affect the scope of this and the underlying District Court litigation. Litigating the present legal issues may also be better informed with the benefit of additional analysis.

6. The Parties are also not likely to suffer harm from the proposed stay, especially because they consent to the same. The District Court’s preliminary injunction will remain in effect for the duration of the stay. The Parties’ interests in are not in competition, and a stay will “maintain an even balance.” *Landis*, 299 U.S. at 255.

7. Accordingly, a stay pending the final disposition of *Orr, et al., v. Trump, et al.*, United States District Court for the District of Massachusetts, Case

No. 1:25-cv-10313-JEK, including the completion of any further appellate review, should be entered.

WHEREFORE, the Parties jointly request that the Court GRANT the instant motion and STAY this matter pending final disposition of *Orr, et al., v. Trump, et al.*, United States District Court for the District of Massachusetts, Case No. 1:25-cv-10313-JEK.

Respectfully submitted,

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