IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SIMON BRONNER, et al., Plaintiffs, v. LISA DUGGAN, et al., Defendants.	Case No: 1:16-cv-00740-RC

REPLY OF DEFENDANTS AMERICAN STUDIES ASSOCIATION, LISA DUGGAN, SUNAINA MAIRA, CURTIS MAREZ, NEFERTI TADIAR, CHANDAN REDDY AND JOHN STEPHENS TO PLAINTIFFS' OPPOSITION TO MOTION TO STAY DISCOVERY

Rather than address the well-established legal precedent that discovery should be stayed pending resolution of the Motions to Dismiss, the Plaintiffs instead provide a catalog of grievances about discovery and rely on *ad hominem* attacks. In that regard, the Defendants have their own list of grievances about the discovery process, and their cynical claims that the "damages" in this case arise from legal expenses *that they themselves have generated* by their wide-ranging discovery demands and their inclination to publicly quote from Defendants' productions. But in opposing the Motion to Stay Discovery on the basis of complaints about discovery process, the Plaintiffs have merely illustrated the rationale for the stay: judicial economy. The Defendants may raise their own grievances about the discovery process at the appropriate time, but now is not that time.

Both here and in the Opposition to Defendants' Motion to Dismiss, Plaintiffs claim to still be awaiting thousands of documents that should have been provided in discovery. This is a curious assertion, in light of the fact that the Defendants have made that production, the bulk of which was conveyed a month before Plaintiffs' Oppositions were filed, and the second tranche on October 1. See **Exhibit A** hereto, e-mails between counsel concerning Defendants' supplemental production.

In addition, Plaintiffs have deposed Dr. Stephens about such matters as: the ASA's finances and use of trust funds; the development of the Resolution; voting on the Resolution; and the closure of the voting rolls. Defendants have produced over 30,000 e-mails to the Plaintiffs, which include: discussion of the Resolution; voting on the Resolution; USACBI and the nomination of persons sympathetic to the USACBI position; anti-ASA legislation and how to respond thereto; and the ASA's financial situation. Defendants have also produced nearly a decade's worth of the ASA's tax returns and associated financial statements, lists of members of the ASA at various points in time identified by the Plaintiffs, and membership numbers at various points in time as requested by Plaintiffs. All of this comes at great expense to the ASA, about whose financial condition the Plaintiffs claim to be so gravely concerned, even as they drain its coffers to defend this politically-motivated litigation.

Now pending before the Court are motions to dismiss the SAC, which if successful, in whole or in part, would either obviate or limit future discovery efforts by the parties. Indeed, this Court has observed that "Plaintiffs have made no attempt to explain how they have individually suffered more than $75,000 in damages, or why

complying with an injunction would cost the ASA more than that amount." And that the damages argument "should be raised in a well-fashioned motion to dismiss or motion for summary judgment." [Document 93, fns 2 and 5]. Plaintiffs also should not be heard to complain about the length and pace of discovery so far. Plaintiffs waited almost two years after the passage of the Resolution to file this lawsuit, and Plaintiffs made the decision to file the SAC, which Defendants have every right to challenge. Plaintiffs don't even attempt to distinguish the applicable case law cited in Defendants' Motion to Stay. Plaintiffs have no basis, other than their own pique, for not staying discovery pending resolution of these Motions.

For these reasons, Defendants request that the Motion to Stay Discovery be granted.

/s/

John J. Hathway, Esq. #412664
Thomas Mugavero, Esq. #431512
Whiteford, Taylor & Preston L.L.P.
1800 M Street, N.W., Suite 450N
Washington, D.C. 20036-5405
(202) 659-6800
jhathway@wtplaw.com
tmugavero@wtplaw.com

/s/
Jeff C. Seaman, Esq. #466509
Whiteford, Taylor & Preston L.L.P.
7501 Wisconsin Avenue
Suite 700W
Bethesda, MD 20816
(301) 804-3610
jseaman@wtplaw.com

Counsel for the American Studies Association, Lisa Duggan, Sunaina Maira, Curtis Marez, Chandan Reddy, John Stephens and Neferti Tadiar