IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DIANE J. SCHROER, Plaintiff, v. JAMES H. BILLINGTON, Librarian of Congress, Defendant.	No. 05-cv-1090 (JR)

PLAINTIFF'S MOTION FOR ORAL ARGUMENT REGARDING DEFENDANT'S MOTION TO DISMISS

For the following reasons, Plaintiff requests that the Court schedule oral argument in connection with Defendant's Motion to Dismiss (Docket No. 7):

1. Since the U.S. Supreme Court decided *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989), the D.C. Circuit has not explained its view of whether Title VII's prohibition of sex discrimination, including sex stereotyping, protects employees like Plaintiff who, because they are transgender, do not conform to sex stereotypes. Because the authority in this circuit is not yet well-developed, Plaintiff suggests that argument may be beneficial to the Court.

2. The D.C. Circuit has not addressed the extent to which the Due Process Clause precludes the government from burdening citizens' exercise of their constitutionally protected liberty to make highly personal medical decisions. For this reason as well, Plaintiff suggests that argument may be beneficial to the Court.

3. Because the sovereign immunity analysis differs with respect to claims for injunctive relief and claims for damages, both of which Plaintiff has sought in her Complaint,

and because Defendant failed even to acknowledge this difference in his brief, Plaintiff believes that argument regarding the applicability of sovereign immunity principles in this case might be of value to the Court.

4. Counsel for the government takes no position with respect to Plaintiff's request for oral argument on the motion.

Accordingly, Plaintiff respectfully requests that the Court schedule oral argument in this matter.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF

Date: December 5, 2005

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ORDER

Upon consideration of Plaintiff's Motion for Oral Argument Regarding Defendant's Motion to Dismiss, and finding good cause therefor, it is hereby

ORDERED that oral argument shall be heard on Defendant's Motion to Dismiss (Docket No. 7) on _____ at _____ a.m./p.m.

This _____ day of _____, 200__

_____
James Robertson
United States District Judge