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)

JOINT MOTION TO BIFURCATE

On July 25, 2006, the Court entered a Scheduling Order in this matter (Rec. Doc. 23). Since that time, the parties have consulted and believe that bifurcation of the liability and remedy phases of these proceedings would be appropriate and a more efficient use of resources.

Plaintiff's Complaint presents four causes of action (Rec. Doc. 1). The parties respectfully submit that it would be preferable to settle the issue of Defendant's liability under each of these causes of action before conducting discovery and litigating the question of Plaintiff's damages and other relief. The parties believe that proceeding in this manner will conserve both the parties' and the Court's resources.

Accordingly, the parties propose that discovery and adjudication of the damages issue be postponed until after the issue of liability has been resolved (perhaps including any appeals of the District Court's rulings on the question of liability, although that would depend upon this Court's willingness to certify the case for an interlocutory appeal and the Court of Appeals' willingness to entertain an interlocutory appeal). The parties further propose that, within thirty

days of the completion of the liability phase of this litigation, the parties submit a proposed order (or orders) governing the course of further proceedings.

A proposed order granting the relief requested is attached.

Respectfully submitted,

/s/ Sharon M. McGowan
Sharon M. McGowan (D.C. Bar No. 476417)
Kenneth Y. Choe
American Civil Liberties Union Foundation
125 Broad Street
New York, NY 10004
(212) 549-2627

Arthur B. Spitzer (D.C. Bar No. 235960)
American Civil Liberties Union
of the National Capital Area
1400 20th Street, N.W. #119
Washington, D.C. 20036
(202) 457-0800

Counsel for Plaintiff

September 25, 2006