

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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KATE LYNN BLATT,	:	
Plaintiff,	:	No. 5:14-cv-4822
v.	:	
	:	
CABELA’S RETAIL, INC.,	:	
Defendant.	:	

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**ORDER**

**NOW**, this 21<sup>st</sup> day of September, 2015, upon consideration of Defendant’s Partial Motion to Dismiss, ECF No. 13, Plaintiff’s Response thereto arguing that 42 U.S.C. § 12211(b) is unconstitutional, ECF No. 23, the subsequently filed briefs, see ECF Nos. 13, 23, 30, 33, 50, 58, 59, and it appearing at this time that the constitutional issue cannot be avoided, **IT IS**

**HEREBY ORDERED THAT:**

1. The United States shall intervene or file a supplemental statement of interest on or before November 16, 2015;<sup>1</sup>
2. Plaintiff and Defendant shall file supplemental briefs within fourteen days of the filing of the United States’ supplemental statement of interest;
3. All briefs shall address the constitutionality of 42 U.S.C. § 12211(b) and the suggestion made in the amicus brief that section 12211(b) does not exclude Gender Dysphoria, see ECF No. 33, pp. 11-17; and

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<sup>1</sup> The Statement of Interest of the United States filed July 21, 2015, states: “Should the Court later determine that the constitutional issue cannot be avoided, the United States respectfully reserves the right to intervene or file a supplemental statement of interest.” See ECF No. 50, p. 3; 28 U.S.C.S. § 2403 (providing that the court “shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality”).

4. Oral argument is scheduled on the Motion to Dismiss before Judge Joseph F. Leeson, Jr. for **December 10, 2015, at 2:00 p.m.** at the Edward N. Cahn Courthouse and Federal Building, Courtroom C, 504 Hamilton Street, Suite 3401, Allentown, Pennsylvania 18101.

BY THE COURT:

*/s/ Joseph F. Leeson, Jr.* \_\_\_\_\_  
JOSEPH F. LEESON, JR.  
United States District Judge