

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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ALEXANDER PANGBORN,	:
Plaintiff	:
	:
v.	:
	:
CARE ALTERNATIVES OF	:
MASSACHUSETTS, LLC D/B/A	:
ASCEND HOSPICE; and CARE ONE	:
MANAGEMENT, LLC,	:
Defendants	:
	:
	:
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Civil Action No. 3:20-cv-30005-MGM

**DEFENDANTS’ MOTION TO STAY PENDING SUPREME COURT DECISION IN  
R.G. & G.R. HARRIS FUNERAL HOMES, INC. v. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

Defendants Care Alternatives of Massachusetts, LLC d/b/a Ascend Hospice (“Ascend Hospice”) and Care One Management, LLC (“Care One Management”) (collectively, “Defendants”) respectively move this Court for an order staying this action in its entirety pending the Supreme Court decision in *R.G. & G.R. Harris v. Equal Emp’t Opportunity Comm’n*, 139 S. Ct. 1599 (2019). This Motion to Stay is based on the reasons set forth below and in the accompanying Memorandum of Law.

In support of this Motion, Defendants state that the Supreme Court’s decision in *Harris*, which is expected before the end of June, will have significant, perhaps dispositive, consequences for the majority of the claims asserted against the Defendants in this case. For the reasons set forth in the accompanying Memorandum of Law, efficient administration of justice and the balance of harms warrant a stay of this case pending the Supreme Court’s decision in *Harris*.

Further, because of the COVID-19 pandemic, both Ascend Hospice and Care One Management are operating under extreme conditions. Ascend Hospice is on the front lines providing essential hospice care to at-risk individuals in private homes, skilled nursing facilities and hospitals. Care One Management is also on the front lines providing essential assistance in the protection of the health and safety of the patients of hospitals and the skilled nursing facilities it serves. If Defendants are required to shift resources away from their COVID-19 response efforts to defend this litigation and claims that may well be resolved by the Supreme Court's decision in *Harris* in the next couple of months, Defendants, and the public welfare, will be harmed.

For the reasons set forth above and in the accompanying Memorandum of Law, Defendants respectfully request that this Court enter an order staying this action until after the Supreme Court issues a decision in the *Harris* case.

Respectfully submitted,

CARE ALTERNATIVES OF  
MASSACHUSETTS, LLC  
D/B/A ASCEND HOSPICE  
HOSPICE; AND CARE ONE  
MANAGEMENT, LLC,

/s/ Cheryl B. Pinarchick

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Date: April 30, 2020

**LOCAL RULE 7.1 CERTIFICATION**

I, Cheryl B. Pinarchick, counsel for Defendant, hereby certify that I spoke with Plaintiff's counsel, Bennett H. Klein, on March 10, 2020, in a good faith attempt to resolve or narrow the issues presented by this motion. To date, the parties have been unable to reach a resolution.

Dated: April 30, 2020

*/s/ Cheryl B. Pinarchick*

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Cheryl B. Pinarchick

**CERTIFICATE OF SERVICE**

I, Cheryl B. Pinarchick, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic filing (NEF) on April 30, 2020

*/s/ Cheryl B. Pinarchick*

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Cheryl B. Pinarchick