

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

**THOMAS SAXTON, *et al.*,**

**Plaintiffs,**

**vs.**

**THE FEDERAL HOUSING FINANCE  
AGENCY, *et al.*,**

**Defendants.**

**No. C15-0047**

**ORDER REGARDING FILING  
ADMINISTRATIVE RECORD**

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This matter comes before the Court on the Motion to Reinstate Stay of Deadline to File Administrative Record (docket number 69) filed by the Defendants on February 29, 2016, and the Opposition (docket number 73) filed by the Plaintiffs on March 4. Pursuant to Local Rule 7.c, the motion will be decided without oral argument.

This action was commenced on May 28, 2015. Defendants filed motions to dismiss on September 4, 2015. At Defendants' request, and over Plaintiffs' objections, the Court ordered on October 2, 2015 that "Defendants are not required to file an administrative record until after the Court has ruled on the pending motions to dismiss."

On February 9, 2016, Chief Judge Linda R. Reade granted Plaintiffs' motion to amend. Because the amended complaint superseded the original complaint, Judge Reade also denied Defendants' motions to dismiss as moot. Because Judge Reade had ruled on the motions to dismiss, I then ordered the administrative record to be filed not later than March 10.

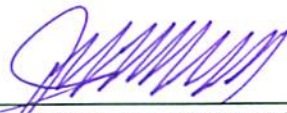
It is anticipated that Defendants will now file motions to dismiss directed to the amended complaint. In fact, the parties filed a joint motion to establish a briefing schedule, which the Court adopted on February 18, 2016. *See* docket number 64. For the

reasons stated in my original Order extending the deadline for filing an administrative record, I conclude that an administrative record need not be filed until after the Court has ruled on the anticipated motions to dismiss.<sup>1</sup>

**ORDER**

IT IS THEREFORE ORDERED that the Motion to Reinstate Stay of Deadline to File Administrative Record (docket number 69) filed by Defendants is **GRANTED**. Defendants are not required to file an administrative record until after the Court has ruled on the anticipated motions to dismiss (*see* docket number 64).

DATED this 7th day of March, 2016.

  
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JON STUART SCOLES  
CHIEF MAGISTRATE JUDGE  
NORTHERN DISTRICT OF IOWA

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<sup>1</sup> In their opposition to the instant motion, Plaintiffs note that there are no motions to dismiss currently pending and “nothing *requires* them to move to dismiss.” Obviously, if Defendants fail to file motions to dismiss by the March 18, 2016 deadline, then the Court may revisit the issue of filing an administrative record.