

rule-making. Consequently, the parties respectfully request that the Court abate this cause indefinitely, except for setting a date on which the parties will appear and report on the status of the rule-making. The parties respectfully suggest that a date six months from the date of the filing of the joint motion would be reasonable for a status report date.

3. Entering into a negotiated rule-making process is not a guarantee that the parties will resolve the disagreements that resulted in the filing of this suit through the Board's adoption of a negotiated rule. Section 2008.054(d) specifically provides, for example, that either a negotiated rulemaking committee or the state agency that appointed it may abolish the committee before the agency adopts a rule. Therefore, the parties also would respectfully request that the Court include in its order abating the case a provision that any party who moves to lift this abatement must notify the non-moving party of its intent at least sixty days before filing its motion to lift the abatement.

PRAYER

Wherefore, the parties to this cause respectfully request that this honorable Court: (1) abate this cause; (2) set a date approximately six months from the date of filing of this motion on which to receive a status report from the parties; (3) recite in its order that a party that moves to lift the abatement must notify the non-moving party of its intent to so file at least sixty days before doing so; and (4) grant the parties such other and further relief to which they have shown themselves to be entitled, at law or in equity.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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