

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**THE LUTHERAN CHURCH – MISSOURI
SYNOD, a Missouri nonprofit corporation**
Plaintiff,

v.

**DONALD CHRISTIAN, CHRISTOPHER
BANNWOLF, CONCORDIA
UNIVERSITY TEXAS, INC., & JOHN
DOES 1-12**
Defendants

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Case No. 1:23-cv-1042-DAE

AGREED ORDER GRANTING STAY PENDING PETITION FOR CERTIORARI

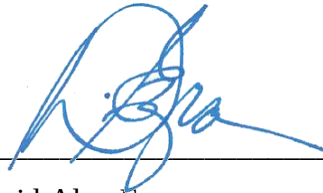
The Court, having considered the parties’ Joint Agreed Motion for Stay Pending Petition for Certiorari orders as follows:

1. The Lutheran Church – Missouri Synod, a Missouri nonprofit corporation (“LCMS”) may amend its pleadings solely to name specific individual defendants in place of current John Doe defendants (the “Amendment”) and may seek to obtain service of summons on such individuals (the “Service”); provided, however, that nothing in this order or the agreement of the parties constitutes waiver of any defenses available to such defendants in the event they are named and served. Such Amendment is without prejudice to LCMS’s right to amend and/or seek leave to amend once the Court lifts the stay, pursuant to the Federal Rules of Civil Procedure, Local Rules and/or any scheduling order entered by the Court.
2. Except for the Amendment and the Service, which shall not be affected by this order or the agreed stay, all parties have agreed, and it is hereby ordered, that all proceedings in this case shall be stayed as follows:
 - a. Until October 8, 2026; or

b. If, by October 7, 2026, Concordia University Texas, Inc., Donald Christian, and Christopher Bannwolf file a petition for writ of certiorari with the Supreme Court of the United States (the “Petition”), seeking review of the opinion and judgment of June 4, 2026 of the United States Court of Fifth Circuit Court of Appeals, then the stay remains in effect until the later of:

- i. the day after the Supreme Court denies review of the Petition; or.
- ii. If the U.S. Supreme Court grants the Petition, then the day after the Supreme Court’s final disposition of the case on review.

Signed this 20th day of July, 2026.



David Alan Ezra
Senior United States District Judge

AGREED:

/s/ Andrew F. MacRae

Steven C. Levatino / Andrew F. MacRae
Counsel For Plaintiff
The Lutheran Church – Missouri Synod

/s/ Daniel R. Richards

Daniel R. Richards
Counsel For Defendants
Concordia University Texas, Inc., Donald Christian and
Christopher Bannwolf