

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

THE DISTRICT OF COLUMBIA, et al.

Plaintiffs

v.

DONALD J. TRUMP,
*in his official capacity as
President of the United States of America*

Defendant

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Civil Action No. PJM 17-1596

SCHEDULING ORDER REGARDING DISCOVERY

Per the Court’s Order of November 2, 2018 (ECF No. 136), the Plaintiffs have submitted a Proposed Schedule for Discovery (ECF No. 138). In his response to that proposal (ECF No. 141), Defendant explains that he does not object to Plaintiffs’ Proposed Schedule, except to note his intent to seek mandamus and a stay of proceedings from the Fourth Circuit. Accordingly, this Scheduling Order is being entered pursuant to Local Rule 103.9. Any inquiries concerning the schedule should be directed to Chambers, not to the Clerk’s Office. Any party who believes that any deadline set forth in this Scheduling Order is unreasonable may request in writing a modification of the Order or that a conference be held for the purpose of seeking a modification of the Order, and any such request must be made within fourteen (14) days. Thereafter, **the schedule will not be changed except for good cause.**

This case is subject to electronic filing. Please familiarize yourself with the procedures for electronic filing available at: www.mdd.uscourts.gov. The parties must use the electronic filing system for filing documents with the Clerk and sending case related correspondence to Chambers. **When electronically filing a document that, including attachments, is 15 pages or longer, a party must also provide a paper copy of the document and a paper copy of the notice of electronic filing to the Court.** The paper copy should be sent to the Clerk’s Office, not directly to Chambers.

I. DISCOVERY

Initial Disclosures: Disclosures required by Rule 26(a)(1)(A) shall be made by **December 31, 2018.**

Fact Discovery: Fact discovery, including any and all depositions, shall conclude on **June 3, 2019**, with all discovery requests to be served by **May 3, 2019**, so all responses shall be due on or before discovery closes.

Expert Discovery: Disclosures of expert witness shall be due on **June 13, 2019**, and expert discovery shall conclude on **August 2, 2019**.

Procedure

All the provisions of Local Rule 104 apply, including the following:

- a. All discovery requests must be served in time to assure that they are answered before the discovery deadline. An extension of the deadline will not be granted because of unanswered discovery requests.
- b. The existence of a discovery dispute as to one matter does not justify delay in taking any other discovery. The filing of a motion to compel or a motion for a protective order will not result in a general extension of the discovery deadline.
- c. No discovery materials, including Rule 26(a)(1) and Rule 26(a)(2) disclosures, should be filed with the court.
- d. Motions to compel shall be filed in accordance with Local Rule 104.8 and the applicable CM/ECF procedures.
- e. Please be familiar with the Discovery Guidelines of this Court which are Appendix A to the Local Rules. Appendix D contains guidelines for form discovery requests and confidentiality orders that may be helpful to the parties.

II. STATUS REPORT

No later than the day of the final discovery deadline, **August 2, 2019**, the parties shall file a status report covering the following matters:

- a. Whether discovery has been completed;
- b. Whether any motions are pending;
- c. Whether any party intends to file a dispositive pretrial motion; and

- d. Any other matter which the parties believe should be brought to the Court's attention.

III. DISPOSITIVE PRETRIAL MOTIONS

Potential dispositive pretrial motions shall be filed no later than **August 31, 2019**, oppositions to the same by **September 20, 2019**, and replies by **September 30, 2019**. If more than one party intends to file a summary judgment motion, the provisions of Local Rule 105.2.c apply.

After motions and responses thereto have been filed, the Court will advise the parties if a hearing is to be scheduled.

IV. STATUS AND PRETRIAL CONFERENCES

Unless the parties agree it is unnecessary, the Court will hold a status conference on **August 9, 2019 at 11:00 a.m. in Chambers**.

At the status conference:

- a. The Court will discuss the items set forth in the joint status report;
- b. The Court will set a deadline for submitting the pretrial order and any motions in limine; and
- c. The Court will set a pretrial conference date and a trial date.

V. COMPLIANCE WITH LOCAL RULES AND CM/ECF PROCEDURES

The Court will demand compliance with the Local Rules and CM/ECF procedures. If the parties need to obtain a copy of the Local Rules or the CM/ECF procedures, they are available at www.mdd.uscourts.gov.

VI. COMPLIANCE WITH PRIVACY PROTECTION RULE

Counsel are reminded that the Federal Rules of Civil Procedure were amended, effective December 1, 2007, with the addition of a new Rule 5.2 which has detailed requirements requiring the redaction of filings with this Court that contain an individual's social security number, tax payer identification number, or birth date, the name of an individual known to be a minor, or a financial account number. It is essential that counsel comply with this rule and with the revised version of

the Judicial Conference Privacy Policy adopted in March 2008. For further information on the Judicial Conference Privacy Policy see:

http://www.mdd.uscourts.gov/news/news/privacy_memo.pdf.

Date: December 3, 2018

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Peter J. Messitte
United States District Judge