

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOEL DOE, a minor, by and through his
guardians, JOHN DOE and JANE DOE;
MARY SMITH; JACK JONES, a Minor,
by and through his parents, JOHN JONES
and JANE JONES; and MACY ROE,

Plaintiffs,

v.

BOYERTOWN AREA SCHOOL
DISTRICT; DR. RICHARD FAIDLEY, in
his official capacity as superintendent of the
Boyertown Area School District; DR.
BRETT COOPER, in his official capacity as
principal; and DR. E. WAYNE FOLEY, in
his official capacity as assistant principal,

Defendants.

CIVIL ACTION NO. 17-1249

ORDER

AND NOW, this 24th day of May, 2017, after a telephone conference with counsel for the parties on May 19, 2017, during which the court addressed the plaintiffs’ amended motion to proceed pseudonymously (Doc. No. 9), the motion to intervene filed by Aidan DeStefano and the Pennsylvania Youth Congress Foundation (Doc. No. 7), and scheduling matters relating to the plaintiffs’ motion for a preliminary injunction (Doc. No. 16); accordingly, it is hereby **ORDERED** as follows:

1. The motion to intervene (Doc. No. 7) is **GRANTED IN PART** insofar as the Pennsylvania Youth Congress Foundation seeks to intervene in this matter.¹ The Pennsylvania

¹ Neither the plaintiffs nor the defendants objected to the court granting the motion to intervene with respect to the Pennsylvania Youth Congress Foundation.

Youth Congress Foundation shall have until no later than **Friday, May 26, 2017**, to file a response to the amended complaint;²

2. The proposed intervenor, Aiden DeStefano, shall have until no later than **Friday, May 26, 2017**, to file a supplemental submission with respect to his standing to intervene and otherwise proceed in this matter;³

3. The plaintiffs shall have until no later than **Friday, June 2, 2017**, to file a response to any supplemental submission filed by Aidan DeStefano with respect to the motion to intervene;

4. The amended motion to proceed pseudonymously (Doc. No. 9) is **GRANTED**.⁴ The plaintiffs and their guardians may proceed in this case using the pseudonyms ascribed to them in the amended complaint;

5. The original motion to proceed pseudonymously (Doc. No. 2) is **DENIED AS MOOT**;

6. The defendants and the Pennsylvania Youth Congress Foundation shall have until **Friday, June 9, 2017**, to file responses to the motion for a preliminary injunction;

7. The plaintiffs shall have a period of seven (7) days from any responses to the motion for a preliminary injunction to file reply submissions;

² As noted by the proposed intervenors during the telephone conference, although they had attached a proposed answer and affirmative defenses to the complaint to the motion to intervene (Doc. No. 7-5), they had filed the motion prior to the plaintiffs filing an amended complaint. As such, they need to update their responsive pleading to respond to the allegations in the amended complaint.

³ Although no party filed a response to the motion to intervene, the plaintiffs objected to Mr. DeStefano intervening in this matter because they believe that he lacks standing to participate in this litigation.

⁴ Neither the defendants nor the proposed intervenors objected to this motion.

8. The parties shall immediately commence with discovery in this matter. The parties shall have until **July 7, 2017**, to complete all discovery related to the motion for a preliminary injunction;⁵

9. The court will hold a telephone status conference with counsel for the parties on **Wednesday, July 12, 2017, at 3:30 p.m.** Counsel for the plaintiffs shall initiate the call by contacting the undersigned's civil deputy at (610) 333-1833 once all counsel are on the call. Counsel shall be prepared to discuss the schedule for the evidentiary hearing, including how long they anticipate the evidentiary hearing will last and the evidence to be presented;⁶

10. The parties shall file proposed findings of fact and conclusions of law by no later than **Friday, July 14, 2017**;

11. The court will hold an evidentiary hearing on the motion for a preliminary injunction starting on **Monday, July 17, 2017, at 9:30 a.m.** at the Holmes Building, 101 Larry Holmes Drive, 4th Floor, Easton, Pennsylvania 18042;⁷

12. The parties shall meet and confer to address any privacy or confidentiality concerns with submissions filed with the court, possibly by filing a protective order or by redacting names to protect the plaintiffs' privacy in light of the court granting their request to proceed pseudonymously; and

⁵ All parties agreed that the court should order that they commence with discovery before the pleadings are closed.

⁶ If it is more efficient to conduct another conference call in which the court receives a call-in number and pin number, the plaintiffs may set up the call in that manner as well by e-mailing the pertinent information to the undersigned's chambers prior to the conference.

⁷ At the conclusion of the hearing, the court will discuss with counsel the schedule for filing amended/supplemental proposed findings of fact and conclusions of law. If the parties desire to have copies of the transcripts to assist them with preparing these submissions, they shall be prepared to request and acquire the transcripts of the proceedings in an expedited manner. In addition, to the extent that the parties seek to use courtroom technology to assist with their presentations, they shall make the necessary arrangements by consulting the undersigned's policies and procedures and by contacting the appropriate court personnel so that the technology is set up prior to the commencement of the hearing.

13. The court will hear oral argument on the motion for a preliminary injunction on **Friday, August 11, 2017, at 2:00 p.m.** at the Holmes Building, 101 Larry Holmes Drive, 4th Floor, Easton, Pennsylvania 18042.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.