

**UNITED STATES DISTRICT COURT
DISTRICT COURT OF MARYLAND**

DEBORAH K. CHASANOW
UNITED STATES DISTRICT JUDGE

6500 Cherrywood Lane
Greenbelt, MD 20770
(301) 344-0634

February 11, 2019

TO: Counsel

RE: Christopher Doyle, LPC, LCPC v. Lawrence J. Hogan, Governor
of the State of Maryland, et al.
Civil Action No. DKC 19-0190

Dear Counsel:

Thank you for working together to craft a discovery and briefing schedule. I propose to keep the dates of April 11 and 12 on our calendars for a possible hearing, with the explicit understanding that, if essential witnesses are unavailable, either a postponement or an additional date may be necessary. I don't believe we discussed whether any hearing would be held in Baltimore, where this case is filed, or in Greenbelt, where my chambers are. It would be more convenient for me to hold the hearing in Greenbelt, but if witness and counsel availability requires a hearing in Baltimore, we can accommodate that. Again, I suggest we wait until we get closer to the hearing to make that decision. If this accommodation is acceptable, we can cancel the continuation of the scheduling conference set for Tuesday. If either side wants to discuss the schedule further, we will convene the conference call. Please let us know by no later than today at 3:00 p.m.

Very truly yours,

/s/

DEBORAH K. CHASANOW
United States District Judge



RE: Christopher Doyle v Governor Hogan, et al., DKC 19-0190

Horatio Mihet to: MDD_DKCCChambers@mdd.uscourts.gov 02/08/2019 05:57 PM

Cc: "brett.felter@maryland.gov", "kathleen.ellis@maryland.gov", Roger Gannam, "Jill M. Schmid", "jgarza@garzanet.com"

From: Horatio Mihet <hmihet@lc.org>
To: "MDD_DKCCChambers@mdd.uscourts.gov" <MDD_DKCCChambers@mdd.uscourts.gov>
Cc: "brett.felter@maryland.gov" <brett.felter@maryland.gov>, "kathleen.ellis@maryland.gov" <kathleen.ellis@maryland.gov>, Roger Gannam <rgannam@lc.org>, "Jill M. Schmid" <jill@lc.org>, "jgarza@garzanet.com" <jgarza@garzanet.com>

1 attachment



Proposed Order - Preliminary Injunction Discovery Order.docx

Ms Townsend:

Following yesterday's telephone conference with the Court, the parties engaged in several additional meet and confer sessions. We are pleased to report that we have reached agreement on most of the pending issues and dates, as reflected in the attached Proposed Order, which we respectfully ask the Court to enter.

The one issue that we were not able to fully agree on was the scheduling of the Preliminary Injunction Hearing.

The State of Maryland would prefer to keep the hearing date(s) open-ended, because it doesn't know whether or not witnesses will be available.

Plaintiff, on the other hand, strongly believes that the hearing should be set for April 11-12, as tentatively indicated by the Court, for three reasons:

- a. Plaintiff's counsel are committed to a two-week evidentiary hearing in a case pending in California, between April 15 and 26. Plaintiff respectfully requests that the Preliminary Injunction Hearing not be delayed into May, in light of the irreparable harm he alleges in this case.
- b. Although the parties do not yet know whether live testimony will be necessary at the Preliminary Injunction Hearing, the parties are working to develop the necessary record in discovery, such that live witness testimony might not even be necessary. Indeed, the possibility of streamlining and reducing the PI Hearing to record-based argument of counsel is one of the primary reasons Plaintiff sought pre-hearing discovery in the first place.
- c. The generalized witness availability concerns of the State would exist regardless of the dates the Court selects for the PI Hearing. The State isn't aware of a specific conflict precluding the Hearing from taking place on April 11-12. The only alternative would be to leave the PI Hearing dates open ended, but in Plaintiff's view that is untenable because the calendars of the Court,

counsel and witnesses (if any) will quickly fill up.

We have left the hearing dates in the Proposed Order blank for the Court to fill in as it deems appropriate.

Kindly confirm receipt, and please let us know whether you would like us to submit the attached in a different format, or more formally via the CM/ECF system.

Kind Regards,

Horatio G. Mihet, Esq.*
*Vice President of Legal Affairs and
Chief Litigation Counsel*

Liberty Counsel

PO Box 540774
Orlando, FL 32854
(407) 875-1776 phone
(407) 875-0770 fax

LC.org

Offices in DC, FL, and VA

*Licensed in Florida and Ohio

This message and any attachment are intended for the person to whom it is addressed. If you are not the intended recipient, notify us immediately by replying to this message and deleting it from your computer, because any distribution of this message by you is strictly prohibited. Email cannot be guaranteed secure or error-free. We do not accept responsibility for errors that result from email transmissions. Opinions expressed in this email are solely those of the author and do not necessarily represent those of the organization.

From: Sharon_Townsend@mdd.uscourts.gov <Sharon_Townsend@mdd.uscourts.gov> **On Behalf Of**
MDD_DKCChambers@mdd.uscourts.gov

Sent: Monday, February 4, 2019 5:02 PM

To: jgarza@garzanet.com; Horatio Mihet <hmihet@lc.org>; Jill M. Schmid <jill@lc.org>; Roger Gannam <rgannam@lc.org>; kathleen.ellis@maryland.gov

Subject: Christopher Doyle v Governor Hogan, et al., DKC 19-0190

Dear Counsel,

Judge Chasanow asked me to arrange a telephone conference with you to discuss the above case. Please let me know who will be participating from your party and which of the following dates will work with your schedules:

February 7 @ 9:00 a.m.

February 8 @ 9:00 a.m.

Thank you.

Sharon Townsend
Judicial Assistant to
The Honorable Deborah K. Chasanow

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHRISTOPHER DOYLE, LPC, LCPC,)	
individually and on behalf of his clients,)	
)	
Plaintiff,)	Civil Action No. 1:19-cv-00190-DKC
)	
v.)	
)	
LAWRENCE J. HOGAN, JR., Governor of)	
the State of Maryland, in his official capacity,)	
and BRIAN E. FROSH, Attorney General of)	
the State of Maryland, in his official capacity,)	
)	
Defendants.)	
)	

[PROPOSED]
PRELIMINARY INJUNCTION DISCOVERY ORDER AND NOTICE OF HEARING

This case is before the Court on Defendants’ Motion for Extension of Time to Respond to Complaint and Motion for Preliminary Injunction (D.18). The Court held a recorded telephone conference on the motion and other scheduling matters on February 7, 2019, which was suspended until Tuesday, February 12, 2019 at 9:00 A.M., pending advice of the parties’ counsel regarding any agreements reached (D.22). The Court having considered Defendants’ motion, and being advised of agreements reached by counsel for the parties, it is hereby,

ORDERED:

1. The motion is **GRANTED**.
2. The recorded telephone conference commenced on February 7, 2019 is **TERMINATED**.
3. A hearing on Plaintiff’s Motion for Preliminary Injunction (D.2) will be held on **April __, 2019**, commencing at __ A.M., and if necessary on **April __, 2019**, commencing at __ A.M.

4. Defendants shall serve their responses to Plaintiff's Verified Complaint for Declaratory Relief, Preliminary and Permanent Injunctive Relief, and Damages (D.1, the "Complaint") and Plaintiff's Motion for Preliminary Injunction (D.2), and the parties shall conduct pre-hearing discovery, according to the following schedule:

February 15, 2019	Plaintiff shall serve written discovery requests and notice of Rule 30(b)(6) deposition to Defendants.
February 19, 2019	Defendants shall serve written discovery requests to Plaintiff.
March 8, 2019	Defendants shall serve their responses to the Complaint and to Plaintiffs' Motion for Preliminary Injunction.
March 18, 2019	The parties shall serve their respective discovery responses, along with any document production, by same-day electronic transmission. If any production of documents is too large for e-mail transmission, the producing party shall provide the production by Google Drive, Dropbox, or other easily accessible cloud delivery system.
March 25 – April 1	Plaintiffs shall take the Rule 30(b)(6) deposition of the State of Maryland at a mutually agreeable time and place, prior to April 1, 2019.
March 26, 2019	Defendants shall take the deposition of Plaintiff at a mutually agreeable time and place.

DONE AND ORDERED in Chambers at Greenbelt, Prince George's County, Maryland,
 this ___ day of February, 2019.

 DEBORAH K. CHASANOW
 UNITED STATES DISTRICT JUDGE

Copies to:
 Counsel of record (by ECF)