

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

STACIE RAY, *et al.*,

Plaintiffs,

Civil Action 2:18-cv-272

Judge Michael H. Watson

Magistrate Judge Chelsey M. Vascura

v.

DIRECTOR, OHIO DEPARTMENT
OF HEALTH, *et al.*,

Defendants.

PRELIMINARY PRETRIAL ORDER

The Court conducted a preliminary pretrial conference on July 18, 2018. All parties were represented by counsel.

Rule 26(a)(1) Initial Disclosures

The parties shall exchange initial disclosures **on or before August 20, 2018**.

Jurisdiction and Venue

There are no contested issues related to venue or jurisdiction.

Amendments to Pleadings and/or Joinder of Parties

Motions or stipulations addressing the parties or pleadings, if any, must be filed **on or before August 20, 2018**.

Motions

There is a pending Motion to Dismiss (ECF No. 18) that was filed on July 6, 2018. Defendants indicated that they will file both a motion to stay discovery, seeking a stay of discovery pending resolution of the Motion to Dismiss, and also a motion for an interim stay, seeking an

interim stay of discovery pending resolution of the forthcoming motion to stay **on or before July 20, 2018**. The default briefing schedule set forth in Southern District of Ohio Local Civil Rule 7.2(a)(2) will apply to the forthcoming motion to stay. Pursuant to Southern District of Ohio Local Civil Rule 1.1, it is **ORDERED** that the default briefing schedule set forth in Local Rule 7.2(a)(2) shall not apply to the forthcoming motion for an interim stay. Instead, Plaintiffs' memorandum in opposition is due **on or before July 27, 2018**, and Defendants' Reply is due **on or before August 1, 2018**.

Allegations in the Pleadings and Jury Demand

This case challenges Ohio's birth record laws, which do not allow transgender individuals to change their Ohio birth certificates to reflect their gender identity. Plaintiffs bring three constitutional causes of action: 1) a First Amendment claim; 2) a Due Process claim; and 3) an Equal Protection claim.

No jury demand has been made.

Expert Disclosures¹

Any expert who may give evidence supporting a party's claims or defenses must make his or her Rule 26(a)(2) disclosures on or before **April 1, 2019**. Any responsive/rebuttal experts' Rule 26(a)(2) disclosures must be made on or before **May 1, 2019**.

If the expert is one retained or specially employed to provide expert testimony in the case or one whose duties as the party's employee regularly involve giving expert testimony, the witness

¹ Rebuttal/Responsive experts are strictly limited to rebutting unanticipated opinions expressed by a primary expert. When the plaintiff intends to offer no expert testimony supporting his or her claims, but the defendant chooses to offer expert testimony on them that would ordinarily constitute rebuttal/responsive testimony, the defendant's experts must make such disclosures by the first deadline.

identification must consist of a report that conforms to Rule 26(a)(2), unless otherwise stipulated or ordered by the Court.

Discovery Deadline and Limitations

The parties may, without further leave of Court, agree to exceed the limitations on discovery established by the Federal Rules of Civil Procedure or the Local Rules of this Court. If the parties are unable to reach an agreement on any matter related to discovery, prior to filing a motion, they are directed to arrange an informal conference with the Court.

All discovery must be completed on or before **June 1, 2019**. For purposes of complying with this Order, the parties must schedule their discovery in such a way as to require all responses to be served prior to the deadline and must also file any motions relating to discovery within the discovery period.

Dispositive Motions

Case-dispositive motions must be filed on or before **July 15, 2019**.

Settlement

If appropriate, Plaintiffs will make a settlement demand within 30 days of the Court's ruling on the pending Motion to Dismiss. Defendants will respond within 30 days.

The parties will participate in the **March 2019 SETTLEMENT WEEK**. Referral to settlement week has no effect on the case schedule. All deadlines established in this Order will remain in place unless the parties move for and are granted a continuance or stay. In the event the parties schedule a private mediation, they may notify the Court and request to be excused from participation in Settlement Week.

Other Matters

Plaintiff's counsel shall provide Defense counsel with quarterly reports of attorney's fees incurred.

IT IS SO ORDERED.

/s/ Chelsey M. Vascura _____
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE