

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT LEXINGTON
CASE NO.: 5:18-cv-00351-KKC

NICHOLAS CHARLES BREINER

PLAINTIFF

v.

RESPONSE TO COURT'S
SHOW CAUSE ORDER
Electronically Filed

BOARD OF EDUCATION OF MONTGOMERY COUNTY

DEFENDANT

* * * * *

Comes the Defendant, Montgomery County Board of Education, by and through counsel, and files this Response to the Court's January 11, 2021 Show Cause Order regarding the failure timely file the proposed planning conference report.

As grounds, the Defendant states that the parties, in fact, twice met, conferred, and put together a plan for this litigation. Unfortunately, the filing was not done until January 12, 2021. The failure was entirely on counsel for Defendant.

BACKDROP

By way of brief background, the parties originally met and conferred, and put together a Proposed Scheduling Order back on December 30, 2020. A copy of that document is attached hereto. However, upon review of the document it became apparent to counsel for the Defendant that it did not comply completely with Paragraph 2 of the Court's Standard Order for Meeting and Report.

Therefore, the document was adjusted to meet the format of the Federal Court and was sent to Plaintiff's counsel who once again approved the changes.

Thereafter, it was the oversight of counsel for the Defendant that the revised document did not get filed.

That omission was remedied on the 12th day of January, 2021.

Therefore, the Defendant would respectfully request that the Court accept the tardy Scheduling Order and accept this pleading in response to the Show Cause.

Counsel for the Defendants will point out that counsel for Plaintiff was not at all involved in this oversight in filing.

Respectfully submitted,

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BY: /s/ JOHN G. MCNEILL
ATTORNEY FOR DEFENDANT
MONTGOMERY COUNTY BOE

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has this 13th day of January, 2021, been electronically mailed to the following:

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