

**LITIGATION PLAN<sup>1</sup>**  
**(Revised Effective 10/22/2018)**

**PRESIDING JUDGE:** Winmill

**DATE OF CASE MANAGEMENT CONFERENCE:** February 1, 2021

**CASE NO:** 1:17-cv-00151-BLW **NATURE OF SUIT:** Civil Rights

**CASE NAME:** Adree Edmo v. Idaho Department of Correction et al.

**PARTY SUBMITTING PLAN:**

- Plan **has been** stipulated to by all parties.
- Plan **has not been** stipulated to, but is submitted by:

**ATTORNEY:** [Click here to enter text.](#)

**REPRESENTING:** Choose an item.

1. **CASE MANAGEMENT TRACK:** Indicate the track that best fits your case. Designation of a track is not binding but will assist the Court in assessing its workload and selecting a trial date and discovery schedule that meets counsel's needs.

- Expedited Track** - Cases on this track will typically be set for trial approximately 9 to 12 months following the case management conference, take 4 days or less to try, and involve limited discovery.
- Standard Track** - Cases on this track will typically be set for trial approximately 12 to 15 months following the case management conference, take about 5-10 days to try, and involve typical discovery. **Most cases fall within this category.**

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<sup>1</sup> All parties are entering into this stipulated litigation plan (and the accompanying discovery plan) based on their best efforts to understand the procedural posture of this case, including after appellate decisions and plaintiff's dismissal of certain claims filed simultaneously with this litigation plan. However, by entering into these stipulated litigation and discovery plans, the parties do not waive any and all arguments and defenses made at any time in this case or on appeal and reserve the right to make any and all arguments and defenses going forward with respect to Plaintiff's First Cause of Action in the 3<sup>rd</sup> Amended Complaint regarding the Eighth Amendment.

- Complex Track** - Cases on this track will typically be set for trial approximately 15 to 24 months following the case management conference, take more than 10 days to try, involve extensive discovery, and involve extensive expert testimony.
- Legal Track** - Cases that involve legal issues likely to be resolved by motion rather than trial. There will be little, if any, discovery. A motion hearing will be set at the case management conference.

2. **DISPOSITIVE MOTIONS FILING CUT-OFF DATE:** August 31, 2021

This is the critical event for case management and will dictate when the trial will be set. Unless the case is resolved through dispositive motions, the case will likely be tried within 6 months following this date. **Therefore, this cut-off date should be set within 3-6 months following the case management conference for an expedited track case, within 6-9 months for a standard track case, and within 12-18 months for a complex track case.**

3. **JOINDER OF PARTIES & AMENDMENT OF PLEADINGS CUT-OFF DATE:** Plaintiff filed her Third Amended Complaint January 31, 2019. Defendants filed Answers to the Third Amended Complaint on March 15, 2019.

4. **ALTERNATE DISPUTE RESOLUTION OPTIONS** - Pursuant to Local Rule 16.1 and 16.4, the parties must meet and confer about (1) whether they might benefit from participating in some form of ADR process; (2) which type of ADR process is best suited to the specific circumstances in their case; and (3) when the most appropriate time would be for the ADR session to be held.

Check Preference:

- Mediation (General Order No. 130) (Local Rule 16.4(b)(2))
- Settlement Conference (Local Rule 16.4(b)(1))
- Arbitration (Local Rule 16.4(b)(3))
- Voluntary Case Management Conference (Local Rule 16.1(b)).
- Other:

**ADR to be held by:** March 9, 2021

Regardless of whether the parties choose mediation, a judicially-supervised settlement conference, or some other form of ADR, the Court strongly encourages the attorneys to schedule ADR early in the

proceedings and in advance of the filing of dispositive motions so as to reduce the cost of litigation for their clients. In addition, the trial will be set very soon after the resolution of dispositive motions so that there will be little time to engage in meaningful ADR after that date.

5. **DISCOVERY PLAN.** Fed. R. Civ. P. 26(f): January 22, 2021

As required by Rule 26(f), the parties must submit a detailed Discovery Plan to the Court in advance of the Case Management Conference. **The Court expects the Discovery Plan will represent a good faith effort by all counsel to expedite the process and reduce the cost of discovery.** At a minimum, the Plan shall cover the topics set forth in Rule 26(f)(3), including the timing of initial disclosures, the subjects on which discovery is necessary, the timing of discovery, when discovery will be completed, whether phasing of discovery is appropriate, issues concerning ESI which need to be resolved, and whether there is a dispute among the parties in applying the proportionality standard of Rule 26(b)(1).

6. **FACTUAL DISCOVERY CUT-OFF DATE:** April 30, 2021

7. **EXPERT DISCOVERY CUT-OFF DATE:** July 30, 2021

8. **EXPERT TESTIMONY DISCLOSURES: Local Rule 26.2(b)**

- a. Plaintiff identifies and discloses expert witnesses by: May 17, 2021
- b. Defendants identify and disclose experts by: June 18, 2021
- c. Plaintiff's disclosure of rebuttal experts by: July 6, 2021
- d. All discovery relevant to experts completed by: July 30, 2021

9. **TRIAL DATE:** The date of the trial and the pretrial conference will be scheduled at a trial scheduling conference following the resolution of dispositive motions or the conclusion of Court-supervised ADR.

Dated: January 22, 2021

Respectfully Submitted,  
FERGUSON DURHAM  
HADSELL STORMER RENICK & DAI LLP  
NATIONAL CENTER FOR LESBIAN RIGHTS  
RIFKIN LAW OFFICE

By:  /s/ - Lori Rifkin  
Lori Rifkin  
Attorneys for Plaintiffs

Dated: January 22, 2021

By:  /s/ - Steven R. Kraft  
Steven R. Kraft  
Attorneys for IDOC Defendants

Dated: January 22, 2021

By:  /s/ - Dylan Eaton  
Dylan Eaton  
Attorneys for Corizon Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22nd of January, 2021, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Dylan Eaton  
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*/s/ - Lori Rifkin*

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