

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

	)	Civil Action No. <u>6:19-cv-1567-JD</u>
<u>EDEN ROGERS, et al.</u>	)	
Plaintiff(s),	)	
	)	<b>FIFTH AMENDED CONFERENCE</b>
v.	)	<b>AND SCHEDULING ORDER</b>
	)	
<u>UNITED STATES DEPARTMENT</u>	)	
<u>OF HEALTH &amp; HUMAN SERVICES,</u>	)	
<u>et al.</u>	)	
Defendant(s).	)	

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this District, the Court hereby establishes the following schedule for this case.

1. Amendment of Pleadings: Any motions to join other parties and to amend the pleadings shall be filed by **November 9, 2020**.
  
2. Expert Disclosures:
  - A. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to the other parties by **March 8, 2021**.
  
  - B. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to the other parties by **April 7, 2021**.
  
3. Records Custodians: Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **April 7, 2021**. Objections to such affidavits must be made within 14 days after the service of the disclosures. *See* Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3) (D.S.C.).

4. **Discovery:** Discovery shall be completed no later than **November 29, 2021**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by the discovery deadline. **No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02 (D.S.C.) and have had a telephone conference with Judge Dawson in an attempt to resolve the matter informally. The request for a telephone conference should be made within the time limit prescribed by local rule for filing such a motion. Attorneys should send a request for a telephone conference via e-mail to [dawson\\_ecf@scd.uscourts.gov](mailto:dawson_ecf@scd.uscourts.gov). The parties shall set forth their respective positions in their request.**
5. **Motions:** All dispositive motions, *Daubert* motions, and all other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial (other than *Daubert* motions), shall be filed on or before **December 13, 2021**.
6. **Mediation:** Mediation shall be completed in this case on or before **December 6, 2021**. *See* Judge Dawson's Standing Order to Conduct Mediation (setting forth mediation requirements).
7. **Pretrial Disclosures:** No later than **January 14, 2022** the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within 14 days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party, and any deposition counter-designations under Fed. R. Civ. P. 32(a)(6). **Deposition designations and counter-designations must specifically identify the portions to be offered, including page and line citations.**
8. **Motions in Limine:** Motions in limine must be filed no later than **January 11, 2022**. Written responses are due 7 days after the motion is filed.
9. **Pretrial Briefs and Exhibits:** Parties shall furnish the Court pretrial briefs 7 days prior to the date set for jury selection.<sup>4</sup> Local Civil Rule 26.05 (D.S.C.). Attorneys shall meet at least 7 days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. *See* Local Civil Rule 26.07 (D.S.C.).
10. **Jury Selection and Trial:** This case is subject to being called for jury selection and/or trial on or after **February 21, 2022**.

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<sup>4</sup> The pretrial brief information found in Local Civil Rule 26.05(A)–(M) (D.S.C.) shall be submitted only to the Judge's chambers. However, pretrial brief information contained in Local Civil Rule 26.05(N)–(O) (D.S.C.) shall be served on opposing parties.

The parties' attention is specifically directed to Local Civil Rule 5.03 (D.S.C.) regarding the filing of confidential material. The parties' attention is also directed to the Court's website regarding instructions or other orders that may be applicable to your case.

  
Joseph Dawson, III  
United States District Judge

Dated: September 15, 2021  
Greenville, South Carolina