

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**DYLAN BRANDT, by and through his mother,  
Joanna Brandt, et al.** **PLAINTIFFS**

**v.** **No. 4:21-CV-00450-JM**

**LESLIE RUTLEDGE, in her official capacity as  
the Arkansas Attorney General, et al.** **DEFENDANTS**

**STIPULATION AND PROPOSED REVISED SCHEDULING ORDER**

The parties, by and through their counsel, respectfully submit the following Stipulation:

WHEREAS, this Court granted Plaintiffs' Motion for Scheduling Order on September 30, 2021, which set the deadline for the close of fact discovery as December 17, 2021, the close of expert discovery as March 31, 2022, and the trial for the week of July 25, 2022.

WHEREAS, on November 16, 2021, Defendants filed an unopposed Motion for Revised Discovery Deadline seeking to extend the fact discovery deadline to February 25, 2022.

WHEREAS, the Court granted Defendants' motion on November 17, 2021, extending fact discovery until February 25, 2022.

WHEREAS, on February 15, 2022 counsel to both parties conferred regarding outstanding discovery matters. The parties agree that additional time is needed to complete fact discovery and expert discovery.

NOW, THEREFORE, the parties, by and through their counsel, hereby stipulate and agree to an extension for the close of fact discovery and expert discovery to May 26, 2022, and to a revised schedule necessitated by this extension.

The parties submit a proposed revised scheduling order reflecting May 26, 2022 as the close of all discovery and setting trial for the week of September 12, 2022.

Dated: February 23, 2022

Respectfully submitted,

/s/ Leslie Cooper

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**IT IS SO ORDERED.**

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Hon. James M. Moody, Jr.  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

DYLAN BRANDT, et al.,

PLAINTIFFS

v.

Case No. 4:21-CV-00450-JM

LESLIE RUTLEDGE, et al.,

DEFENDANTS

**PROPOSED**

**FINAL SCHEDULING ORDER**

Pursuant to Rule 16(d) of the Federal Rules of Civil Procedure, IT IS HEREBY ORDERED:

1. **TRIAL DATE** This case is scheduled for a **BENCH TRIAL** before Judge James M. Moody Jr. commencing at 9:15 a.m. sometime during the week of September 12, 2022, in Courtroom #4A, Richard Sheppard Arnold United States Courthouse, 500 West Capitol, Little Rock, Arkansas.
2. **ADDITION OF PARTIES/AMENDMENT OF PLEADINGS** The deadline for seeking to add additional parties and amend pleadings shall be as soon as practicable, but in any event, no later than December 1, 2021.
3. **DISCOVERY** All non-expert discovery will be completed no later than May 26, 2022. All discovery requests and motions must be filed sufficiently in advance of that date to allow for a timely response. Witnesses and exhibits not identified in response to appropriate discovery may not be used at trial except in extraordinary circumstances. The parties may conduct discovery beyond this date if all parties are in agreement to do so; but, the Court will not resolve any disputes in the course of this extended discovery. A discovery motion should not be filed until counsel make a good faith effort to resolve the discovery dispute. Upon the filing of such motion, a response shall be filed promptly. A conference call will thereafter be scheduled to resolve such matters if the Court deems it necessary. The Court will not grant a continuance because a party does not have time in which to depose a witness, expert or otherwise.

**Expert Witness Disclosures and Reports** will be provided no later than December 10, 2021.

**Rebuttal Expert Witness Disclosures and Reports** will be provided no later than February 11, 2022.

**All Expert Discovery and Depositions** will be completed by no later than May 26, 2022.

4. **MOTION DEADLINE** All motions, with the exception of motions in limine, shall be filed on or before June 17, 2022. The parties are directed to provide the Court with a paper copy, indexed and bound, of all motions, responses, replies, briefs, and supporting exhibits which exceed thirty (30) pages. Motions in limine shall be filed on or before June 28, 2022, and responses thereto shall be filed seven (7) days thereafter. Any motions submitted after this deadline may be denied solely on the basis of having been untimely filed. Daubert related motions must be filed by the motion deadline and shall not be filed as motions in limine.
5. **STATUS REPORT** A status report will be filed with the Clerk's Office on or before July 1, 2022. The report shall include the date of any mediation conducted or scheduled, the present settlement prospects, and an estimate of the length of trial. If both parties desire to participate in a settlement conference before the Magistrate Judge they should inform the Court in this report.
6. **PRETRIAL DISCLOSURE SHEET [FED.R.CIV.P. 26(a)(3)]** Please file the information requested in the pretrial disclosure sheet with the Clerk with copies to opposing counsel no later than August 8, 2022. The pretrial disclosure sheets are to be filed simultaneously by the parties according to the outline contained in Local Rule 26.2. The Court's requirement that witnesses and exhibits be listed on the pretrial disclosure sheet does not relieve a party of the obligation to provide the names of witnesses and exhibits in a timely manner pursuant to outstanding interrogatories or admissions.
7. **EVIDENTIARY DEPOSITIONS** The proffering party must designate the pertinent portions of an evidentiary deposition by June 24, 2022. Counter-designations must be made by July 1, 2022. Designations and Counter-designations are not to be filed with the Clerk's office, instead the documents should be mailed to Chambers or by e-mail to [jmchambers@ared.uscourts.gov](mailto:jmchambers@ared.uscourts.gov). Objections to any deposition or video tapes which will be used at trial must be made by written motion indicating the specific objection and its legal basis by July 8, 2022, with the response due July 15, 2022. Depositions to be read at trial shall be marked as exhibits.
8. **TRIAL BRIEF** The parties shall simultaneously submit to the Court on or before August 15, 2022 trial briefs summarizing the anticipated factual and legal issues in the case. In the briefs, the parties shall suggest to the Court any evidentiary issues that are expected to arise during trial and brief the law concerning the proper resolution to those issues. Trial briefs are not to be filed with the Clerk's office, instead the documents should be mailed to Chambers or by e-mail to [jmchambers@ared.uscourts.gov](mailto:jmchambers@ared.uscourts.gov)
9. **STIPULATIONS** The Court directs that all parties stipulate in writing the facts not in controversy on August 10, 2022.
10. **INTRODUCTION OF EXHIBITS** So that the introduction of exhibits may be handled expeditiously, the Court directs that all exhibits are to be listed in numerical sequence and completed before the trial date. Exhibits are to be made available to all parties and reviewed by counsel prior to the trial date. The lists shall be submitted to the Courtroom Deputy prior to the trial commencing with notations made on the Court's copy as to which

exhibits there is an objection. The Court will receive all stipulated exhibits at the beginning of trial.