

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

Brianna Boe, <i>et al.</i> ,)	
)	
<i>Plaintiffs</i> ,)	
)	
United States of America,)	
)	
<i>Intervenor Plaintiff</i> ,)	
)	
v.)	Civil Action No. 2:22-cv-184-LCB
)	
Hon. Steve Marshall, in his official)	
capacity as Attorney General,)	
of the State of Alabama, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

**DEFENDANTS’ MOTION TO SCHEDULE ARGUMENT ON THEIR
MOTION TO COMPEL PRODUCTION OF HHS DOCUMENTS
(DOC. 227) FOR THE FEBRUARY 8 DISCOVERY HEARING**

Defendants respectfully ask the Court to schedule argument on Defendants’ motion to compel the production of HHS documents, Doc. 227, for the discovery hearing on February 8 and to order the United States to respond to the motion by February 3. That would give the United States ten days to file a response and allow Defendants to file a short reply and prepare for argument. Defendants have conferred with counsel for the United States, which opposes this motion.

During the scheduling conference on January 4, *see* Doc. 214, the Court directed the parties to brief discovery disputes expeditiously and to minimize the need

for additional court hearings in Montgomery. Defendants believe this briefing and argument schedule would serve that end, while giving the United States adequate time—ten days—to respond. In addition, Defendants’ expert reports are currently due in just over two months. *See* Doc. 225. It is critical that Defendants’ experts are permitted the necessary amount of time to review the material subject to Defendants’ motion to compel and are able to incorporate that material into their reports.

Given this timeline, Defendants ask the Court to schedule argument on their motion to compel for February 8 and order the United States to respond to Defendants’ motion to compel by February 3.

Respectfully submitted,

Steve Marshall
Attorney General

s/ Edmund G. LaCour Jr.
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CERTIFICATE OF SERVICE

I certify that I electronically filed this document using the Court's CM/ECF system on January 24, 2023, which will serve all counsel of record.

s/ Edmund G. LaCour Jr.
Counsel for Defendants

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<i>Defendants</i> .)	

**[PROPOSED] ORDER GRANTING DEFENDANTS’ MOTION TO
SCHEDULE ARGUMENT ON THEIR MOTION TO COMPEL
PRODUCTION OF HHS DOCUMENTS**

Upon consideration of Defendants’ Motion to Schedule Argument on Their Motion to Compel Production of HHS Documents, it is hereby ORDERED that the Court will hear oral argument on Defendants’ Motion to Compel (Doc. 227) at the upcoming discovery hearing on February 8, 2023. The United States is ORDERED to file a response to Defendants’ motion by February 3, 2023.

Dated: _____

BY THE COURT:

LILES C. BURKE
UNITED STATES DISTRICT JUDGE