

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

BRIANNA BOE,)	
<i>et al.</i> ,)	
)	
<i>Plaintiffs</i> ,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	No. 2:22-cv-00184-LCB-CWB
)	Hon. Liles C. Burke
<i>Plaintiff-Intervenor</i> ,)	
)	
v.)	
)	
STEVE MARSHALL, in his official)	
capacity as Attorney General of the)	
State of Alabama, <i>et al.</i> ,)	
)	
<i>Defendants</i> .)	

JOINT MOTION TO AMEND SCHEDULING ORDER

Come now Plaintiffs Brianna Boe, individually and on behalf of her minor son, Michael Boe; Megan Poe, individually and on behalf of her minor daughter, Allison Poe; Kathy Noe, individually and on behalf of her minor son, Christopher Noe; Rachel Koe, M.D.; Rebecca Roe, individually and on behalf of her minor daughter, Melissa Roe; Heather Austin, Ph.D.; and Robert Moe, individually and on behalf of his minor daughter, April Moe; Plaintiff-Intervenor the United States of America; and Defendants Steve Marshall, in his official capacity as Attorney General of the State of Alabama; Daryl D. Bailey, in his official capacity as

District Attorney for Montgomery County; C. Wilson Baylock, in his official capacity as District Attorney for Cullman County; Jessica Ventiere, in her official capacity as District Attorney for Lee County; Tom Anderson, in his official capacity as District Attorney for the 12th Judicial Circuit; and Danny Carr, in his official capacity as District Attorney for Jefferson County (collectively, “the Parties”), and jointly submit the attached proposed fifth amended scheduling order in accordance with this Court’s order of May 25, 2023. *See* Doc. 287.

Respectfully submitted,

Dated: May 29, 2023

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CERTIFICATE OF SERVICE

I certify that I electronically filed this document using the Court's CM/ECF system on May 29, 2023, which will serve all counsel of record.

s/ A. Barrett Bowdre
Counsel for Defendants

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

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Hon. Steve Marshall, in his official)	
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<i>Defendants</i> .)	

[JOINT PROPOSED] FIFTH AMENDED SCHEDULING ORDER

For good cause shown under Federal Rule of Civil Procedure 16(b)(4), the Court **AMENDS** the fourth amended scheduling order (Doc. 270) as follows:

Complete Production by HHS and WPATH: WPATH must produce complete discovery in response to Defendants’ Rule 45 subpoena by October 1, 2023. HHS must produce complete discovery in response to Defendants’ requests for production by October 20, 2023. HHS will begin a rolling production no later than June 30, 2023 and will notify the Court by September 18, 2023 if it anticipates it is unable to complete its production by October 20.

Discovery Cutoff: All discovery must be commenced in time to be completed by February 2, 2024.

Dispositive Motions: All potentially dispositive motions, including Daubert motions, must be filed by February 16, 2024.

Expert Testimony: Any supplemental reports under Federal Rule of Civil Procedure 26(a)(2)(B) from any expert specially retained or employed by Defendants shall be due by December 1, 2023. Defendants shall disclose the names of their experts providing supplemental reports by November 3, 2023. For expert witnesses who have not already been disclosed in this litigation, the names and anticipated subject matter of any rebuttal expert witnesses retained by Plaintiffs or the United States shall be disclosed by December 15, 2023. Rebuttal expert opinions shall be due by January 8, 2024.

Final Lists: Lists of trial witnesses and exhibits must be filed by March 1, 2024. Any objections to such lists, including objections under Federal Rule of Civil Procedure 26(a)(3), must be filed within fourteen days thereafter.

Trial: Trial is scheduled to begin on April 2, 2024 at 9:00 a.m. CDT. The trial shall occur at the Frank M. Johnson Jr. United States Courthouse in Montgomery, Alabama.

All other requirements of the initial Scheduling Order remain in effect.

DONE and ORDERED.

Dated: _____

BY THE COURT:

LILES C. BURKE
UNITED STATES DISTRICT JUDGE