

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

BRIANNA BOE *et al.*, )  
)  
*Plaintiffs,* )  
)  
and )  
)  
UNITED STATES OF AMERICA, )  
)  
*Plaintiff-Intervenor,* )  
)  
v. ) No. 2:22-cv-00184-LCB  
)  
STEVE MARSHALL, in his official )  
capacity as Attorney General of the )  
State of Alabama, *et al.*, )  
)  
*Defendants.* )

**DEFENDANTS’ MOTION TO AMEND SCHEDULING ORDER**

In accordance with the Court’s order resetting trial for August 12, 2024, Doc. 368 at 4, Defendants respectfully move to amend the scheduling order in this case. Private Plaintiffs do not oppose the proposed amended schedule. The United States has indicated that it intends to seek a stay of this litigation, but has confirmed that, notwithstanding that position, it plans to complete production from HHS by December 15.

Defendants respectfully request that the Fifth Amended Scheduling Order (Doc. 292) be amended as follows:

**Complete Production by HHS:** HHS must produce complete discovery in response to Defendants' requests for production by December 15, 2023.

**Discovery Cutoff:** All discovery must be commenced in time to be completed by April 14, 2024.

**Dispositive Motions:** All potentially dispositive motions, including Daubert motions, must be filed by May 12, 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 February 2, 2024. Defendants shall disclose the names of their experts providing supplemental reports by January 5, 2024. 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 February 16, 2024. Rebuttal expert opinions shall be due by March 11, 2024.

**Final Lists:** Lists of trial witnesses and exhibits must be filed by June 28, 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 August 12, 2024, at 9:00 a.m. CT. The trial shall occur at the Frank M. Johnson Jr. United States Courthouse in Montgomery, Alabama.

Dated: November 30, 2023

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that I electronically filed this document using the Court's CM/ECF system on November 30, 2023, which will serve all counsel of record.

s/ Edmund G. LaCour Jr.  
*Counsel for Defendants*

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 *Defendants.* )

**[PROPOSED] SIXTH AMENDED SCHEDULING ORDER**

For good cause shown under Federal Rule of Civil Procedure 16(b)(4), the Court **AMENDS** the fifth amended scheduling order (Doc. 292) as follows:

**Complete Production by HHS:** HHS must produce complete discovery in response to Defendants’ requests for production by December 15, 2023.

**Discovery Cutoff:** All discovery must be commenced in time to be completed by April 14, 2024.

**Dispositive Motions:** All potentially dispositive motions, including Daubert motions, must be filed by May 12, 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 February 2, 2024. Defendants shall disclose the names of their experts providing supplemental reports by January 5, 2024. 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 February 16, 2024. Rebuttal expert opinions shall be due by March 11, 2024.

**Final Lists:** Lists of trial witnesses and exhibits must be filed by June 28, 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 August 12, 2024, at 9:00 a.m. CT. 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