

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON

NICHOLAS CHARLES BREINER,

Plaintiff,

V.

**BOARD OF EDUCATION OF
MONTGOMERY COUNTY**

Defendant.

CIVIL ACTION NO. 5:18-351-KKC

AMENDED SCHEDULING ORDER

*** **

Pursuant to the parties proposed modified scheduling order (DE 45), the Court hereby
ORDERS as follows:

- 1) The pretrial conference set for May 15, 2023 and the jury trial set for May 30, 2023 are
CANCELED;
- 2) any motions to join additional parties or amend the pleadings must be filed by
September 15, 2023;
- 3) The disclosures required by Rule 26(a)(2) are due:
 - (i) From Plaintiff by **September 20, 2023;**
 - (ii) From Defendant by **October 30, 2023;**
- 4) Discovery: All fact discovery must be completed by **August 30, 2023**. All expert
discovery must be completed by **December 30, 2023**. The parties must complete all
discovery with requests served in a manner calculated for response compliant with
the deadline.

- 5) All dispositive motions and any *Daubert* motions must be filed by **January 10, 2024** with response and reply time as per Local Rule 7.1(c)(1) and (2). No extensions of time may be granted by the United States Magistrate Judge or by agreement of the parties. Applications for extensions of time will be granted by the trial judge only upon good cause shown.
- 6) No motions to compel, nor any other motions relating to a discovery dispute, shall be filed unless all counsel involved in such dispute have first conferred as directed by Fed.R.Civ.P. 37(a)(2)(A).
- 7) By virtue of the December 1, 2000 amendment of Fed.R.Civ.P. 5(d), the parties must observe the following directives regarding the filing of discovery materials in this case unless the court otherwise specifically so orders:
 - Rule 26(a)(I) Initial Disclosures, Interrogatories and Answers or other responses thereto, Requests for Production of Documents and Answers or other responses thereto, Requests for Admission and Answers thereto, and any documents or tangible things produced pursuant to such discovery requests, as well as any discovery depositions not subject to part (b) below, shall not be filed; and
 - The portions of any discovery depositions cited in any motion, including motions for summary judgment, or which may be used at trial for impeachment or other purposes, and any other discovery materials necessary to the decision of any motion filed herein shall be filed of record in this case.
- 8) No extensions of the deadlines set in this order, or those contained in the separate pretrial conference order shall be granted unless an appropriate motion is filed prior

to expiration of the deadline in question, and upon a showing of good cause beyond the control of counsel in the exercise of due diligence.

- 9) The Court will set new pretrial conference and trial dates, as appropriate, after resolving any dispositive or *Daubert* motions.
- 10) Pursuant to 28 U.S.C. §636(b)(1)(A), this matter is referred to the Magistrate Judge Matthew A. Stinnett for purposes of managing all discovery and pretrial scheduling issues, including resolving all discovery disputes and revising any dates and deadlines established in the Court's Scheduling Order, except for the dispositive motion and *Daubert* deadline.
- 11) With regard to discovery disputes, the parties shall first attempt to resolve the dispute among themselves. If the parties are unable to resolve the dispute among themselves, they shall attempt to resolve the dispute with the magistrate judge by telephone. If after the telephone conference with the magistrate judge the dispute is not resolved, i.e., the party seeking discovery is still unsatisfied with the magistrate judge's oral or written ruling from the telephone conference, that party may file a written motion to compel containing appropriate factual and legal arguments directed to the magistrate judge. Likewise, if after the telephone conference, the party resisting discovery is unsatisfied with the magistrate judge's oral or written ruling, then that party may require the other party to file a formal motion to compel containing appropriate factual and legal arguments directed to the magistrate judge. The time period for filing the motion to compel and the response and any reply shall be set by the magistrate judge in his discretion.
- 12) Any party wishing to object to the magistrate judge's ruling must file objections with the court within fourteen (14) days of the magistrate judge's ruling pursuant to Fed.R.Civ.P. 72(a). Only after all the above steps have been completed will the court

entertain a motion to review the magistrate judge's final decision to determine whether it is clearly erroneous or contrary to law.

This 10th day of May, 2023.



Karen K. Caldwell

KAREN K. CALDWELL
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF KENTUCKY