

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

A.C., a minor child by his next friend,)
mother and legal guardian, M.C.,)
)
Plaintiff,)
)
v.) CASE NO. 1:21-cv-02965-TWP-TAB
)
METROPOLITAN SCHOOL DISTRICT)
OF MARTINSVILLE; PRINCIPAL,)
JOHN R. WOODEN MIDDLE SCHOOL,)
in his official capacity,)
)
Defendants.)

AMENDED CASE MANAGEMENT PLAN

I. Parties and Representatives

A. Plaintiff, A.C., by his next friend and guardian, M.C.

Defendants: Metropolitan School District of Martinsville; Principal, John R. Wooten Middle School

B. For Plaintiff:

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For Defendants:

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II. Jurisdiction and Statement of Claims

For Jurisdiction and the parties' Statement of Claims, the parties agree the original case management plan in this case is sufficient. *See* Case Management Plan entered May 27, 2022 ([ECF 67](#)).

III. Pretrial Pleadings and Disclosures

- A. The parties served their Fed. R. Civ. P. 26 initial disclosures on June 10, 2022.
- B. Plaintiff filed preliminary witness and exhibit lists on June 14, 2022.
- C. Defendants filed preliminary witness and exhibit lists on June 24, 2022.
- D. All motions for leave to amend the pleadings and/or to join additional parties shall be filed on or before **March 22, 2024**.
- E. Plaintiffs shall serve Defendants (but not file with the Court) a statement of special damages, if any, and make a settlement proposal, on or before **June 17, 2024**. Defendants shall serve on the Plaintiff (but not file with the Court) a response thereto within **30 days after receipt of the proposal**.
- F. Except where governed by paragraph (G) below, expert witness disclosure deadlines shall conform to the following schedule: Plaintiff shall disclose the name, address, and vita of any expert witness, and shall serve the report required by Fed. R. Civ. P. 26(a)(2) on or before **January 16, 2025**. Defendants shall disclose the name, address, and vita of any expert witness, and shall serve the report required by Fed. R. Civ. P. 26(a)(2) **30 days after** Plaintiff serves its expert witness disclosure; or if Plaintiff has disclosed no experts, Defendants shall make their expert disclosure on or before **February 16, 2025**.
- G. Notwithstanding the provisions of paragraph (F), above, if a party intends to use expert testimony in connection with a motion for summary judgment, such expert disclosures must be served on opposing counsel no later than **90 days prior to the dispositive motion deadline**. If such expert disclosures are served the parties shall

confer within 7 days to stipulate to a date for responsive disclosures (if any) and completion of expert discovery necessary for efficient resolution of the anticipated motion for summary judgment. The parties shall make good faith efforts to avoid requesting enlargements of the dispositive motions deadline and related briefing deadlines. Any proposed modifications of the CMP deadlines or briefing schedule must be approved by the Court.

- H. Any party who wishes to limit or preclude expert testimony at trial shall file any such objections **120 days prior to trial**. Any party who wishes to preclude expert witness testimony at the summary judgment stage shall file any such objections with their responsive brief within the briefing schedule established by S.D. Ind. L.R. 56-1.
- I. All parties shall file and serve their final witness and exhibit lists on or before **March 17, 2025**. This list should reflect the specific potential witnesses the party may call at trial. It is not sufficient for a party to simply incorporate by reference “any witness listed in discovery” or such general statements. The list of final witnesses shall include a brief synopsis of the expected testimony.
- J. Any party who believes that bifurcation of discovery and/or trial is appropriate with respect to any issue or claim shall notify the Court as soon as practicable.
- K. Discovery of electronically stored information (“ESI”).

For scope and topics of discovery, the parties agree the original case management plan in this case is sufficient. *See* Case Management Plan entered May 27, 2022 ([ECF 67](#)).

IV. Discovery¹ and Dispositive Motions

- A. Does any party believe that this case may be appropriate for summary judgment or other dispositive motion?

For discussion, the parties agree the original case management plan in this case is sufficient. *See* Case Management Plan entered May 27, 2022 ([ECF 67](#)).

¹ The term “completed,” as used in Section IV.C, means that counsel must serve their discovery requests in sufficient time to receive responses before this deadline. Counsel may not serve discovery requests within the 30-day period before this deadline unless they seek leave of Court to serve a belated request and show good cause for the same. In such event, the proposed belated discovery request shall be filed with the motion, and the opposing party will receive it with service of the motion but need not respond to the same until such time as the Court grants the motion.

B. On or before **November 22, 2024** and consistent with the certification provisions of Fed. R. Civ. P. 11(b), the party with the burden of proof shall file a statement of the claims or defenses it intends to prove at trial, stating specifically the legal theories upon which the claims or defenses are based.

C. Select the track that best suits this case:

X Track 2: Dispositive motions are expected and shall be filed by **January 16, 2025**; non-expert witness discovery and discovery relating to liability issues shall be completed by **November 18, 2024**; expert witness discovery and discovery relating to damages shall be completed by **April 16, 2025**. All remaining discovery shall be completed by **May 16, 2025**.

Absent leave of Court, and for good cause shown, all issues raised on summary judgment under Fed. R. Civ. P. 56 must be raised by a party in a single motion.

V. Pre-Trial/Settlement Conferences

At any time, any party may call the Judge's Staff to request a conference, or the Court may *sua sponte* schedule a conference at any time.

The parties recommend a settlement conference in October 2024.

VI. Trial Date

The parties request a trial date in August 2025. The trial is by jury and is anticipated to take 3 days.

VII. Referral to Magistrate Judge

A. **Case.** At this time, all parties do not consent to refer this matter to the currently assigned Magistrate Judge pursuant to 28 U.S.C. 636(c) and Fed. R. Civ. P. 73 for all further proceedings including trial.

B. **Motions.** The parties do not consent to having the assigned Magistrate Judge rule on motions ordinarily handled by the District Judge, such as motions to dismiss, for summary judgment, or for remand.

VIII. Required Pre-Trial Preparation

A. **TWO WEEKS BEFORE THE FINAL PRETRIAL CONFERENCE, the parties shall:**

1. File a list of trial witnesses, by name, who are actually expected to be called to testify at trial. This list may not include any witnesses not on a party's final witness list filed pursuant to Section III.I.

2. Number in sequential order all exhibits, including graphs, charts and the like, that will be used during the trial. Provide the Court with a list of these exhibits, including a description of each exhibit and the identifying designation. Make the original exhibits available for inspection by opposing counsel. Stipulations as to the authenticity and admissibility of exhibits are encouraged to the greatest extent possible.
3. Submit all stipulations of facts in writing to the Court. Stipulations are always encouraged so that at trial, counsel can concentrate on relevant contested facts.
4. A party who intends to offer any depositions into evidence during the party's case in chief shall prepare and file with the Court and copy to all opposing parties either:
 - a. brief written summaries of the relevant facts in the depositions that will be offered. (Because such a summary will be used in lieu of the actual deposition testimony to eliminate time reading depositions in a question and answer format, this is strongly encouraged.); or
 - b. if a summary is inappropriate, a document which lists the portions of the deposition(s), including the specific page and line numbers, that will be read, or, in the event of a video-taped deposition, the portions of the deposition that will be played, designated specifically by counter-numbers.
5. Provide all other parties and the Court with any trial briefs and motions in limine, along with all proposed jury instructions, voir dire questions, and areas of inquiry for voir dire (or, if the trial is to the Court, with proposed findings of fact and conclusions of law).
6. Notify the Court and opposing counsel of the anticipated use of any evidence presentation equipment.

B. ONE WEEK BEFORE THE FINAL PRETRIAL CONFERENCE, the parties shall:

1. Notify opposing counsel in writing of any objections to the proposed exhibits. If the parties desire a ruling on the objection prior to trial, a motion should be filed noting the objection and a description and designation of the exhibit, the basis of the objection, and the legal authorities supporting the objection.
2. If a party has an objection to the deposition summary or to a designated portion of a deposition that will be offered at trial, or if a party intends to

offer additional portions at trial in response to the opponent's designation, and the parties desire a ruling on the objection prior to trial, the party shall submit the objections and counter summaries or designations to the Court in writing. Any objections shall be made in the same manner as for proposed exhibits. However, in the case of objections to video-taped depositions, the objections shall be brought to the Court's immediate attention to allow adequate time for editing of the deposition prior to trial.

3. File objections to any motions in limine, proposed instructions, and voir dire questions submitted by the opposing parties.
4. Notify the Court and opposing counsel of requests for separation of witnesses at trial.

IX. Other Matters

On August 1, 2023, the Seventh Circuit Court of Appeals affirmed this Court's preliminary injunction order ([ECF 50](#)). Defendants further appealed to the U.S. Supreme Court, which declined to hear the case on January 16, 2024.

Because A.C. is now a student at Martinsville High School he may seek to amend the complaint or to dismiss the Principal of the John R. Wooden Middle School, in his official capacity, within the time frame proposed in this plan.

Plaintiff is likely to file for partial summary judgment well in advance of the deadline proposed in this plan.

Agreed to by:

/s/ Kenneth J. Falk (by consent)

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Upon approval, this Plan constitutes an Order of the Court. Failure to comply with an Order of the Court may result in sanctions for contempt, or as provided under Fed. R. Civ. P. 16-1(f), to and including dismissal or default.

APPROVED AND SO ORDERED.

Judge, United States District Court
Southern District of Indiana