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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

SOUTHERN UTAH DRAG STARS, LLC,
and MITSKI AVALOX,

Plaintiffs,

vs.

CITY OF ST. GEORGE, CITY COUNCIL OF
ST. GEORGE, COUNCILMEMBER JIMMIE
HUGHES, COUNCILMEMBER DANIELLE
LARKIN, COUNCILMEMBER NATALIE
LARSEN, COUNCILMEMBER GREGG
MCARTHUR, COUNCILMEMBER
MICHELLE TANNER, MAYOR MICHELE
RANDALL, and CITY MANAGER JOHN
WILLIS,

Defendants.

**STIPULATED MOTION TO AMEND
SCHEDULING ORDER**

Civil No. 4:23CV44

Honorable David Nuffer

Plaintiffs Southern Utah Drag Stars, LLC and Mitski Avalox, and Defendants City of St. George, City Council of St. George, Councilmembers Jimmie Hughes, Danielle Larkin, Natalie Larsen, Gregg McArthur, and Michelle Tanner, Mayor Michelle Randall, and City Manager John

Willis, by and through counsel, hereby move the Court for an Amended Scheduling Order. A proposed order to this effect is attached hereto as Exhibit A.

On August 15, 2023, the Court issued an Amended Scheduling Order. (Dkt. 71). Since that time, the parties have engaged in an unsuccessful mediation. Because the matter did not settle, counsel for the parties have met and conferred and believe there is good cause to amend the scheduling order as follows:

1. PRELIMINARY MATTERS	CURRENT DATE	NEW DATE
a. Date the Rule 26(f)(1) conference was held?		
b. Have the parties submitted the Attorney Planning Meeting Report?	08/08/23	<i>(Unchanged)</i>
c. Deadline for 26(a)(1) initial disclosures?	09/08/23	<i>(Unchanged)</i>
d. Deadline for filing a deposition plan including the names of deponents (or role, if name is unknown) and the place and date of depositions?	11/08/23	01/12/24
2. DISCOVERY LIMITATIONS	CURRENT DATE	NEW DATE
a. Maximum number of depositions by Plaintiff(s):	15	<i>(Unchanged)</i>
b. Maximum number of depositions by Defendant(s):	15	<i>(Unchanged)</i>
c. Maximum number of hours for each deposition (unless extended by agreement of parties):	7	<i>(Unchanged)</i>
d. Maximum interrogatories by any party to any party:	25	<i>(Unchanged)</i>
e. Maximum requests for admissions by any party to any party:	25	<i>(Unchanged)</i>
f. Maximum requests for production by any party to any party:	25	<i>(Unchanged)</i>

g.	The parties shall handle discovery of electronically stored information as follows: <i>The parties will discuss ESI at the next meet and confer.</i>		<i>(Unchanged)</i>
h.	The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: <i>The parties will discuss ESI at the next meet and confer.</i>		<i>(Unchanged)</i>
i.	Last day to serve written discovery:	01/26/24	02/29/24
j.	Close of fact discovery:	02/23/24	03/29/24
k.	(optional) Final date for supplementation of disclosures and discovery under Rule 26(e):	12/22/23	02/29/24
3.	AMENDMENT OF PLEADINGS/ADDING PARTIES¹	CURRENT DATE	NEW DATE
a.	Last day to file Motion to Amend Pleadings:	12/22/23	02/23/24
b.	Last day to file Motion to Add Parties:	12/22/23	02/23/24
4.	RULE 26(A)(2) EXPERT DISCLOSURES & REPORTS	CURRENT DATE	NEW DATE
	Expert Disclosures (subject and identity of experts) and Reports		
a.	From Plaintiff:	03/22/24	04/26/24
b.	From Defendant:	04/19/24	05/24/24
5.	OTHER DEADLINES	CURRENT DATE	NEW DATE
a.	Last day for expert discovery:	05/24/24	06/21/24
b.	Deadline for filing dispositive or potentially dispositive motions:	07/26/24	07/26/24

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

c.	Deadline for filing partial or complete motions to exclude expert testimony:	06/28/24	08/23/24
6.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	CURRENT DATE	NEW DATE
a.	Likely to request referral to a magistrate judge for settlement conference:	No	<i>(Unchanged)</i>
b.	Likely to request referral to court-annexed arbitration:	No	<i>(Unchanged)</i>
c.	Likely to request referral to court-annexed mediation:	No	<i>(Unchanged)</i>
d.	The parties will complete private mediation/arbitration by:	N/A	Completed on 11/21/23
e.	Evaluate case for settlement/ADR on:	07/26/24	<i>(Unchanged)</i>
f.	Settlement probability:	Good	<i>(Unchanged)</i>
7.	SCHEDULING CONFERENCE	CURRENT DATE	NEW DATE
	A scheduling conference will be held for purposes of setting a trial date on _____ in Room 197 (St. George)		[INSERT]
8.	OTHER MATTERS		
	Parties should fully brief all Motions in Limine well in advance of the pretrial conference.		<i>(Unchanged)</i>

DATED this 12th day of December, 2023.

SNOW CHRISTENSEN & MARTINEAU

/s/ Scott Young
 R. Scott Young
 Attorneys for Defendants

DATED this 11th day of December, 2023.

AMERICAN CIVIL LIBERTIES UNION OF
UTAH

/s/ John Mejia (Signed with permission)

John Mejia

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December, 2023, I electronically filed the foregoing **STIPULATED MOTION TO AMEND SCHEDULING ORDER** with the Clerk of the Court using the CM/ECF System, which will notify all counsel of record.

/s/ Annette Gamero

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

<p>SOUTHERN UTAH DRAG STARS, LLC, and MITSKI AVALOX,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>CITY OF ST. GEORGE, CITY COUNCIL OF ST. GEORGE, COUNCILMEMBER JIMMIE HUGHES, COUNCILMEMBER DANIELLE LARKIN, COUNCILMEMBER NATALIE LARSEN, COUNCILMEMBER GREGG MCARTHUR, COUNCILMEMBER MICHELLE TANNER, MAYOR MICHELE RANDALL, and CITY MANAGER JOHN WILLIS,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">AMENDED SCHEDULING ORDER</p> <p>Civil No. 4:23CV44</p> <p>Honorable David Nuffer Magistrate Paul Kohler</p>
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Parties have filed a Stipulated Motion to Amend Scheduling Order. For good cause shown, Parties' Motion is granted. The Court Orders that the Scheduling Order is revised as follows:

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c. Likely to request referral to court-annexed mediation:	No	<i>(Unchanged)</i>
d. The parties will complete private mediation/arbitration by:	N/A	Completed on 11/21/23
e. Evaluate case for settlement/ADR on:	07/26/24	<i>(Unchanged)</i>
f. Settlement probability:	Good	<i>(Unchanged)</i>
7. SCHEDULING CONFERENCE	CURRENT DATE	NEW DATE
A scheduling conference will be held for purposes of setting a trial date on _____ in Room 197 (St. George)		[INSERT]

8. OTHER MATTERS

Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

(Unchanged)

DATED this ____ day of December, 2023.

Magistrate Judge Paul Kohler
United States District Court for the District of Utah

Approved as to Form:

DATED this 11th day of December, 2023.

AMERICAN CIVIL LIBERTIES UNION OF
UTAH

/s/ John Mejia (Signed with permission)
John Mejia
Attorney for Plaintiffs

DATED this 12th day of December, 2023.

SNOW CHRISTENSEN & MARTINEAU

/s/ Scott Young
R. Scott Young
Attorneys for Defendants