

**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 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 Blaylock, 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 respectfully request that the following deadlines outlined in this Court’s Sixth Amended Scheduling Order (Doc. 386) be extended as follows:

Expert Testimony: The deadline to identify new rebuttal experts is March 8, 2024, with their reports to be served on April 1, 2024. To the extent Plaintiffs’ previously disclosed experts plan to offer rebuttal opinions, their supplemental reports must be served by March 25, 2024.

Discovery Cutoff: All discovery must be commenced in time to be completed by May 6, 2024.

Dispositive Motions: All potentially dispositive motions (except Daubert motions) must be filed by May 27, 2024.

Daubert Motions: Daubert motions must be filed by June 10, 2024.

Final Lists: List of trial witnesses and exhibits must be filed by July 19, 2024. Any objections to such lists, including objections under Federal Rule of Civil Procedure 26(a)(3), must be filed within fourteen days thereafter.

In support of these requests, the Parties state as follows:

1. All parties have or are in the process of disclosing additional fact and rebuttal expert witnesses who may testify at trial. While the parties are working hard to complete discovery, due to the number of expert and additional fact witnesses

recently disclosed and anticipated to be disclosed, the parties wish to have 21 extra days to allow experts to consider additional evidence and for the parties to complete discovery.

2. Extension of the foregoing deadlines will not impact the August 12, 2024 trial setting in this case.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that the Court amend the Sixth Amended Scheduling Order (Doc. 386), to allow the parties to complete fact and expert discovery consistent with the schedule suggested above. A proposed order is attached.

Respectfully submitted,

FOR THE PRIVATE PLAINTIFFS:

/s/ Melody H. Eagan
Melody H. Eagan (ASB-9780-D38M)
Jeffrey P. Doss (ASB-4212-R62D)
Amie A. Vague (ASB-4113-Q46I)
LIGHTFOOT, FRANKLIN & WHITE LLC
The Clark Building
400 20th Street North
Birmingham, AL 35203
205.581.0700
meagan@lightfootlaw.com
jdoss@lightfootlaw.com
avague@lightfootlaw.com

J. Andrew Pratt (ASB-3507-J56P)
Adam Reinke (GA Bar No. 510426) (*pro hac vice*)
Misty L. Peterson (GA Bar No. 243715) (*pro hac vice*)
KING & SPALDING LLP
1180 Peachtree Street Northeast, Suite 1600
Atlanta, GA 30309
404.572.4600
apratt@kslaw.com
areinke@kslaw.com
mpeterson@kslaw.com

Brent P. Ray (IL Bar No. 6291911) (*pro hac vice*)
Abigail Hoverman Terry (IL Bar No. 6327057) (*pro hac vice*)
KING & SPALDING LLP
110 North Wacker Drive, Suite 3800
Chicago, IL 60606
312.995.6333
bray@kslaw.com
ahoverman@kslaw.com

Michael B. Shortnacy (CA Bar No. 277035) (*pro hac vice*)
KING & SPALDING LLP
633 West Fifth Street, Suite 1600
Los Angeles, CA 90071
213.443.4355
mshortnacy@kslaw.com

Asaf Orr (CA Bar No. 261650) (*pro hac vice*)
NATIONAL CENTER FOR LESBIAN RIGHTS
870 Market Street, Suite 370
San Francisco, CA 94102
415.392.6257
aorr@nclrights.org

Jennifer L. Levi (MA Bar No. 562298) (*pro hac vice*)
GLBTQ LEGAL ADVOCATES & DEFENDERS
18 Tremont, Suite 950
Boston, MA 02108
617.426.1350
jlevi@glad.org

Scott D. McCoy (FL Bar No. 1004965) (*pro hac vice*)
SOUTHERN POVERTY LAW CENTER
P.O. Box 12463
Miami, FL 33101
334.224.4309
scott.mccoy@splcenter.org

Diego A. Soto (ASB-3626-Y61S)
SOUTHERN POVERTY LAW CENTER
400 Washington Avenue
Montgomery, AL 36104
334.604.1414
diego.soto@splcenter.org

Jessica L. Stone (GA Bar No. 275567) (*pro hac vice*)
SOUTHERN POVERTY LAW CENTER
150 E. Ponce de Leon Ave., Suite 340
Decatur, GA 30030
404.221.5837
jessica.stone@splcenter.org

Sarah Warbelow (MI Bar No. P66690) (*pro hac vice*)
Cynthia Weaver (NY Bar No. 5091848) (*pro hac vice*)
HUMAN RIGHTS CAMPAIGN FOUNDATION
1640 Rhode Island Ave., NW
Washington, DC 20036
202.628.4160

sarah.warbelow@hrc.org
cynthia.weaver@hrc.org

**FOR PLAINTIFF-INTERVENOR
UNITED STATES OF AMERICA:**

KRISTEN CLARKE
*Assistant Attorney General
Civil Rights Division*

JONATHAN S. ROSS
*Acting United States Attorney
Middle District of Alabama*

PRIM F. ESCALONA
*United States Attorney
Northern District of Alabama*

CHRISTINE STONEMAN
Chief, Federal Coordination and Compliance Section

COTY MONTAG (DC Bar No. 498357)
*Deputy Chief, Federal Coordination and
Compliance Section*

/s/ Kaitlin Toyama

RENEE WILLIAMS (CA Bar No. 284855)
KAITLIN TOYAMA (CA Bar No. 318993)
MAX LEWIS MEYERS (MS Bar No. 106187)
Trial Attorneys
United States Department of Justice
Civil Rights Division
Federal Coordination and Compliance Section
950 Pennsylvania Avenue NW – 4CON
Washington, DC 20530
Telephone: (202) 305-2222
Renee.Williams3@usdoj.gov

Kaitlin.Toyama@usdoj.gov
Max.Meyers@usdoj.gov

AMIE S. MURPHY (NY Bar No. 4147401)
Trial Attorney
United States Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
950 Pennsylvania Avenue NW – 4CON
Washington, DC 20530
Telephone: (202) 353-1285
Amie.Murphy2@usdoj.gov

JASON R. CHEEK
Chief, Civil Division
MARGARET L. MARSHALL
Assistant U.S. Attorney
U.S. Attorney's Office
Northern District of Alabama
1801 Fourth Avenue North
Birmingham, AL 35203
Telephone: (205) 244-2104
Jason.Cheek@usdoj.gov
Margaret.Marshall@usdoj.gov

STEPHEN D. WADSWORTH
Assistant U.S. Attorney
U.S. Attorney's Office
Middle District of Alabama
P.O. Box 197
Montgomery, AL 36101-0197
Telephone: (334) 223-7280
Stephen.Wadsworth@usdoj.gov

FOR THE DEFENDANTS:

Steve Marshall
Attorney General

Edmund G. LaCour Jr. (ASB-9182-U81L)
Solicitor General

s/ A. Barrett Bowdre

A. Barrett Bowdre (ASB-2087-K29V)
Principal Deputy Solicitor General

James W. Davis (ASB-4063-I58J)
Deputy Attorney General

Benjamin M. Seiss (ASB-2110-O00W)
Charles A. McKay (ASB-7256-K18K)
Assistant Attorneys General

OFFICE OF THE ATTORNEY GENERAL
STATE OF ALABAMA
501 Washington Avenue
Post Office Box 300152
Montgomery, Alabama 36130-0152
Telephone: (334) 242-7300
Facsimile: (334) 353-8400
Edmund.LaCour@AlabamaAG.gov
Barrett.Bowdre@AlabamaAG.gov
Jim.Davis@AlabamaAG.gov
Ben.Seiss@AlabamaAG.gov
Charles.McKay@AlabamaAG.gov

Christopher Mills (*pro hac vice*)
SPERO LAW LLC
557 East Bay Street, #22251
Charleston, SC 29413
Telephone: (843) 606-0640
cmills@spero.law

David H. Thompson (*pro hac vice*)
Peter A. Patterson (*pro hac vice*)
Brian W. Barnes (*pro hac vice*)
John D. Ramer (*pro hac vice*)
COOPER & KIRK, PLLC
1523 New Hampshire Ave., NW
Washington, DC 20036
Telephone: (202) 220-9600

dthompson@cooperkirk.com
ppatterson@cooperkirk.com
bbarnes@cooperkirk.com
jrager@cooperkirk.com

Roger G. Brooks (*pro hac vice*)
Henry W. Frampton, IV (*pro hac vice*)
ALLIANCE DEFENDING FREEDOM
15100 N. 90th Street
Scottsdale, AZ 85260
Telephone: (480) 444-0200
rbrooks@adflegal.org
hframpton@adflegal.org

CERTIFICATE OF SERVICE

I certify that I electronically filed this document using the Court's CM/ECF system on March 3, 2024, which will serve all counsel of record.

s/ Melody H. Eagan _____

**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> .)	

[PROPOSED] SEVENTH AMENDED SCHEDULING ORDER

For good cause shown under Federal Rule of Civil Procedure 16(b)(4), the Court AMENDS the Sixth Amended Scheduling Order (Doc. 386) as follows:

Expert Disclosures: The deadline to identify new rebuttal experts is March 8, 2024, with their reports to be served on April 1, 2024. To the extent Plaintiffs’ previously disclosed experts plan to offer rebuttal opinions, their supplemental reports must be served by March 25, 2024.

Discovery Cutoff: All discovery must be commenced in time to be completed by May 6, 2024.

Dispositive Motions: All potentially dispositive motions (except Daubert motions) must be filed by May 27, 2024.

Daubert Motions: Daubert motions must be filed by June 10, 2024.

Final Lists: List of trial witnesses and exhibits must be filed by July 19, 2024. Any objections to such lists, including objections under Federal Rule of Civil Procedure 26(a)(3), must be filed within fourteen days thereafter.

All other deadlines and requirements outlined in the Court's Sixth Amended Scheduling Order remain in effect.

DONE and ORDERED March ____, 2024.

HON. LILES C. BURKE
UNITED STATES DISTRICT JUDGE