

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KHADIDAH STONE, *et al.*,

Plaintiffs,

v.

WES ALLEN, *et al.*,

Defendants.

No. 2:21-cv-1531-AMM

JOINT MOTION TO MODIFY SCHEDULING ORDER

In response to the Court's Order to "meet and confer and submit a joint proposed scheduling order for pretrial deadlines" by February 27, 2024 (ECF No. 143 at 31), the Parties jointly and respectfully request that the Court enter the attached Proposed Scheduling Order to change certain intermediate deadlines based on the trial date set by the Court and to set additional pretrial deadlines.

DATED this 27th day of April, 2024.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system which provides electronic notice of filing to all counsel of record.

This the 27th day of April, 2024.

/s/ Davin Rosborough

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WES ALLEN, *et al.*,

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No. 2:21-cv-1531-AMM

[PROPOSED] AMENDED SCHEDULING ORDER

Based on the Parties' Joint Request and in response to the Court's Order to "meet and confer and submit a joint proposed scheduling order for pretrial deadlines" by February 27, 2024 (ECF No. 143 at 31), the Court hereby **MODIFIES** the previous Scheduling Orders (ECF Nos. 84, 129) to reflect the following deadlines running from now through Trial:

- **EXPERT TESTIMONY:** Unless modified by stipulation of the parties, the disclosures of expert witnesses—including a complete report under Federal Rule of Civil Procedure 26(a)(2)(B) from any specially retained or employed expert—are due:

From plaintiff(s): Initial Reports by **February 2, 2024**
Rebuttal Reports by **April 19, 2024**

From defendant(s): **March 29, 2024**

- **JOINT STATUS REPORT:** The parties shall file a joint status report on or before **May 3, 2024**. A Status Conference will be set for the week of

May 10, 2024, by Zoom. The court will provide the zoom information to the parties, one week prior to the conference.

- **DISCOVERY DEADLINE:** All discovery must be commenced in time to be completed by **May 10, 2024**.
- **DISPOSITIVE MOTIONS:** All potentially dispositive motions and evidentiary submissions upon which a party will rely in support of the motion must be filed no later than **June 21, 2024**.
 - Should a motion for summary judgment be filed, any opposition to the motion must be filed no later than **July 19, 2024**.
 - Any reply brief in support of the motion must be filed no later than **August 2, 2024**.
- **WITNESS AND EXHIBITS LISTS:**

On **September 6, 2024**, the parties shall file and serve:

- An **Exhibit List** providing an appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those exhibits that the party expects to offer as substantive evidence at trial. Unless specifically agreed by the parties in writing or allowed by the court for good cause shown, the parties shall be precluded from offering as substantive evidence any exhibit not so identified.
- A **Witness List** identifying stating the names of all witnesses whose testimony they may offer at trial. The parties shall appropriately indicate on their witness lists: (1) the “will call” witnesses – those witnesses whose testimony the party expects to offer; (2) the “may call” witnesses – those witnesses whose testimony the party expects may not be needed, but the party has listed to preserve its right to offer such testimony; and (3) those witnesses the party expects to present by means of depositions with a listing of the specific pages from the depositions to be used.

On **October 11, 2024**, the parties shall file and serve:

- Objections to exhibits: A list disclosing any objection, together with the grounds therefor, that may be made as to the admissibility of exhibits identified on such list. Objections not so disclosed, other than objections under Fed. R. Evid. 402 and 403, are waived unless such failure to timely object is excused by the court for good cause shown. The parties are expected to confer in good faith to attempt to resolve objections to exhibits well before this date.
- Objections to the calling of any witness proffered by the other side and the specific basis for that objection.
- Deposition designation objections/counter designations: As to any witnesses to be presented by deposition by the other side, an opposing party may serve a list of additional pages of the deposition to be used, and may serve and file a list disclosing any objections to the use of such deposition testimony under Rule 32 or Rule 26(a)(3)(B). Objections not made within such time, other than objections under Fed. R. Evid. 402 and 403, shall be deemed waived, unless such failure to timely object is excused by the court for good cause shown.
- **MOTIONS IN LIMINE AND OTHER MOTIONS CHALLENGING ADMISSIBILITY OF EXPERT TESTIMONY**: All motions in limine and motions challenging admissibility of expert testimony (e.g., *Daubert* motions) shall be briefed under the following schedule:
 - Initial Motions/Briefs due: **September 20, 2024**
 - Response Briefs due: **October 4, 2024**
 - Reply Briefs due: **October 11, 2024**
- **PRETRIAL CONFERENCE**: A pretrial conference will be scheduled as needed by separate order. Any stipulations of fact agreed upon by the parties shall be filed on or before the date of this conference.
- **TRIAL**: This case is **SET** for a bench trial to commence at 9:00 a.m. Central time on November 12, 2024 in Courtroom 8B of the Hugo Black U.S. Courthouse in Birmingham, Alabama.

DONE and **ORDERED** this ____ day of _____, 2024.

ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE

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