

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

DR. DOROTHY NAIRNE, et al.

CIVIL ACTION

VERSUS

NO. 22-178-SDD-SDJ

**R. KYLE ARDOIN, IN HIS
OFFICIAL CAPACITY AS
SECRETARY OF STATE**

SCHEDULING ORDER

Following the district judge's Order (R. Doc. 97) setting the trial for November 27, 2023, and referring this consolidation for a Scheduling Order, United States Magistrate Judge Scott D. Johnson held a Scheduling Conference on June 29, 2023, at 3:00 p.m. by phone. (R. Doc. 98). The following counsel of record **participated**:

Alora Thomas
Nora Ahmed
John Adcock
Sarah Brannon
Amanda Giglio
Stuart Naifeh
Plaintiffs' Counsel

Phil Strach
Defendants' Counsel
Angelique Freel
Intervenor's Counsel
State of Louisiana

Kate McKnight
Michael Mengis
Intervenor's Counsel
Louisiana Legislators

The Court heard from the parties on the two main issues outlined in their proposed Pre-Trial Schedules. (R. Docs. 99, 100). First, the parties addressed their disagreement on pre-trial deadlines, followed by the use at trial of data from the October and November 2023 elections. At the outset, the Court reiterates that whether any data from the October and November 2023

elections may be used at trial is an issue for the district judge to decide and this Order therefore does not address or otherwise resolve that issue.

As for pre-trial deadlines, the Court has considered the prior deadlines (R. Docs. 66, 78), the parties' submissions (R. Docs. 99, 100), as well as their positions, in formulating the deadlines established below. Given the issues in this consolidation, and the dates of the upcoming local elections, these deadlines are final and will not again be modified absent extreme circumstances.

And so, pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the following **deadlines are established:**

- | | | |
|----|--|---------------------------|
| 1. | Joining parties or otherwise amending pleadings: | Expired |
| 2. | Discovery must be completed as follows: | |
| a. | Exchanging Rule 26(a)(1) Initial Disclosures: | Completed |
| b. | Completing Fact Discovery and related Motions: | September 1, 2023 |
| c. | Disclosure of Identities and Resumés of Experts : | |
| | Plaintiffs: | Completed |
| | Defendant/Intervenors: | July 13, 2023 |
| | Plaintiffs (Rebuttal): | August 1, 2023 |
| | Defendant/Intervenors (Sur-Rebuttal): | August 15, 2023 |
| d. | Submitting Expert Reports : | |
| | Plaintiffs (Supplemental): | June 30, 2023 |
| | Defendant/Intervenors: | July 28, 2023 |
| | Plaintiffs (Rebuttal): | August 11, 2023 |
| | Defendant/Intervenors (Sur-Rebuttal): | August 21, 2023 |
| e. | Completing Expert Discovery : | September 29, 2023 |

3. Exchanging **Fact Witness** Lists: **August 14, 2023**
4. Exchanging **Expert Witness** Lists: **September 8, 2023**
5. Filing **Dispositive, *Daubert* or Expert-Related** Motions: **October 6, 2023**
6. Filing **Pre-Trial Order**:¹ **October 20, 2023**²
7. Filing **Finding of Fact and Conclusions of Law**: **October 27, 2023**
8. A **Pre-trial Conference** will be held at **2:30 p.m.** on: **November 14, 2023**
The Conference will be held in Judge Dick's Chambers.
9. Submitting **Trial Briefs** to the presiding judge: **November 20, 2023**
10. A **7-day bench Trial** will begin at **9:30 a.m.** on: **November 27, 2023**
The trial will be held in Courtroom 3.

Signed in Baton Rouge, Louisiana, on July 17, 2023.



SCOTT D. JOHNSON
UNITED STATES MAGISTRATE JUDGE

¹ The information regarding the Honorable Shelly D. Dick's Pre-Trial Order may be found on the court's website at (<http://www.lamd.uscourts.gov>) under "Judges' Info."

² Prior to the filing of the Pre-Trial Order, the parties will exchange or make available for inspection all exhibits which the parties will or may introduce at trial.