# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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Adam Steele, Brittany Montrois, and Joseph Henchman, on behalf of themselves and all others similarly situated,

Plaintiffs,

Civil Action No.: 1:14-cv-01523-RCL

V.

United States of America, *Defendant*.

## JOINT WRITTEN REPORT OUTLINING THE DISCOVERY PLAN AND PROPOSED SCHEDULING ORDER

Pursuant to this Court's order dated June 30, 2015 (ECF No. 38), the parties submitted an Interim Joint Written Report Outlining the Discovery Plan and Proposed Scheduling Order (ECF No. 39). The report indicated that the parties conferred on several occasions and discussed the requirements of the Court's June 30 order and of Local Civil Rule 16.3. Because the United States requested two weeks to review the plaintiffs' Amended Class Action Complaint, the parties agreed to submit to the Court—on August 21, 2015—a complete discovery, class certification, and dispositive motion schedule governing the balance of this case up until trial. The Court subsequently adopted the interim proposed schedule in an order dated July 20, 2015, and ordered the parties to submit a proposed schedule by August 21. ECF No. 40.

On August 19, 2015, the parties conferred in an effort to finalize a proposed schedule going forward. Based on these discussions, the parties propose the following deadlines:

1. *Discovery*. Discovery shall commence on August 21, 2015. By no later than September 4, 2015: (1) the parties shall serve initial disclosures under Rule 26(a)(1) of the

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Federal Rules of Civil Procedure, and (2) the United States shall file and serve the administrative record and index.

- a. *Fact Discovery*. Fact discovery shall be completed by no later than April 29, 2016.
- b. *Expert Witness Discovery*. Expert witness discovery shall be completed by no later than **September 16, 2016**.
  - i. *Initial Expert Witness Reports.* By no later than May 20, 2016, the parties shall submit the reports of expert witnesses whose testimony may be offered to support issues on which an offering party has the burden of proof.
  - ii. *Responsive Expert Witness Reports.* By no later than June 24,
    2016, the parties shall submit the reports of expert witnesses whose testimony may be offered to respond to initial expert witnesses.
  - iii. *Rebuttal Expert Witness Reports.* By no later than July 29, 2016, the parties shall submit the reports of expert witnesses whose testimony may be offered to rebut responsive expert witnesses.

2. *Class Certification.* By no later than **September 9, 2015**, the plaintiffs shall file and serve their motion for class certification. The United States' response shall be filed and served by **November 9, 2015**, and the plaintiffs' reply shall be filed and served by **December 23, 2015**.

3. *Amendment of Pleadings.* The deadline for the amendment of pleadings, including the joinder of other parties, shall be **February 19, 2016**.

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4. *Dispositive Motions and* Daubert *Motions.* By no later than September 16,

2016, the parties shall file and serve dispositive motions and motions under Daubert v. Merrell

Dow Pharms., Inc., 509 U.S. 579 (1993). Responses to such motions shall be filed and served by

November 4, 2016, and any replies shall be filed and served by December 2, 2016.

The parties respectfully request that the Court adopt this proposed schedule.

Dated: August 21, 2015

Respectfully submitted,

*By: <u>/s/ William H. Narwold</u>* MOTLEY RICE LLC

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Attorneys for Plaintiffs Adam Steele, Brittany Montrois, Joseph Henchman, and the Putative Class

### **PROOF OF SERVICE**

I, William H. Narwold, declare that I am over the age of eighteen (18) and not a party to the entitled action. I am a member of the law firm MOTLEY RICE LLC, and my office is located at 20 Church Street, 17th Floor, Hartford, CT 06103.

On August 21, 2015, I caused to be filed the following in the above-captioned case:

## JOINT WRITTEN REPORT OUTLINING THE DISCOVERY PLAN AND PROPOSED SCHEDULING ORDER

with the Clerk of Court using the Official Court Electronic Document Filing System, which served copies on all interested parties registered for electronic filing.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 21, 2015

Respectfully submitted,

*By:<u>/s/William H. Narwold</u>* William H. Narwold

MOTLEY RICE LLC