

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

Stephen M. Shapiro, et al.

*Plaintiffs,*

vs.

David J. McManus, Jr., et al.,

*Defendants.*

Case No. 13-cv-3233

Three-Judge Court

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**JOINT STATUS REPORT**

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Pursuant to this Court's October 13, 2016 minute order (ECF No. 102), the parties have met and conferred regarding the scope, sequence and schedule for discovery, expert disclosures, dispositive motions, and trial. The parties' positions are set forth below.

**I. AGREED DEADLINES AND LIMITATIONS ON DISCOVERY**

**A. Agreed Discovery and Expert Witness Deadlines**

The parties agree to the following deadlines for discovery and expert witness disclosures:

<b>Date</b>	<b>Deadline</b>
November 15, 2016	First date on which discovery requests may be served by either party
November 21, 2016	Deadline for Plaintiffs or Defendants to seek leave to amend pleadings or join additional parties
February 10, 2017	Deadline for completion of all fact discovery
February 10, 2017	Parties shall submit a joint status report regarding the status of discovery and their positions regarding the necessity of summary judgment motions practice

February 10, 2017	Plaintiffs shall disclose the written report of any experts that will testify at trial pursuant to Federal Rules of Evidence 702, 703, or 705
March 10, 2017	Defendants shall disclose the written report of any experts that will testify at trial pursuant to Federal Rules of Evidence 702, 703, or 705
March 24, 2017	Deadline for completion of expert discovery

The parties are not in agreement regarding the deadlines for dispositive motions briefing, pretrial deadlines, and trial. The parties wish to present their positions to the Court on these matters during the November 15, 2016 scheduling conference.

**B. Agreed Discovery Limitations**

The parties agree to the following limitations on discovery:

- Each party shall be limited to 25 interrogatories;
- Each party shall be limited to 25 requests for admission;
- Each party shall be limited to 10 fact witness depositions (if either party designates multiple witnesses to provide testimony under Fed. R. Civ. P. 30(b)(6) that testimony shall constitute one deposition); and
- Each party shall be limited to 30 requests for production.

**II. PLAINTIFFS' POSITION REGARDING SUMMARY JUDGMENT, PRETRIAL, AND TRIAL DEADLINES**

In order to obtain a new congressional map and avoid irreparable harm, a new congressional map must be in place by September 2017, in advance of the congressional primaries. Therefore, trial in this action should be scheduled for May 2017, to allow time for the Court to reach a judgment and issue an appropriate injunction. Consequently, Plaintiffs propose the following schedule for summary judgment, pretrial deadlines, and trial:

Date	Deadline
March 31, 2017	Deadline for all pretrial briefing, including summary judgment motions, <i>Daubert</i> motions, and all motions <i>in limine</i> (if necessary)
April 21, 2017	Deadline for oppositions to summary judgment and <i>Daubert</i> motions
May 5, 2017	Deadline for replies in support of summary judgment and <i>Daubert</i> motions
May 12, 2017	Deadline for parties to submit pretrial order
May 12, 2017	Deadline for parties to submit proposed findings of fact and conclusions of law
Week of May 15, 2017 (at the Court's convenience)	Pretrial conference
Week of May 29, 2017 (or another week in late May or early June 2017 at the Court's convenience)	Trial

### III. DEFENDANTS' POSITION REGARDING SUMMARY JUDGMENT, PRETRIAL, AND TRIAL DEADLINES

In order to give the parties adequate time to prepare summary judgment motions that have the potential to resolve or significantly narrow the issues for trial, the deadline for dispositive motions and *Daubert* motions should be due no earlier than April 7, 2017, which is only two weeks after the close of expert discovery.

Further, given the potential for summary judgment motions to resolve or significantly narrow the issues for trial, Defendants think it is premature to set deadlines for any trial in this case, including resolution of any preliminary matters. Rather, Defendants would anticipate a conference within one week of resolution of dispositive motions to schedule a trial, if necessary. To the extent this Court is inclined to set a trial

date now, prior to the resolution of dispositive motions, Defendants request that a trial date be set no sooner than two months following the resolution of the parties' summary judgment motions.

**For the plaintiffs**

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**For the defendants**

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