

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

JOHN DOES I-XIX, and JOHN
ELLIOTT,

Plaintiffs,

v.

BOY SCOUTS OF AMERICA, et al.,

Defendants.

Case No. 1:13-cv-00275-BLW

**CASE MANAGEMENT ORDER
No. 5**

In accordance with the Stipulation (Dkt. 289) entered by the parties and the previous case management orders in this case, and to further the efficient administration of this matter,

NOW THEREFORE IT IS HEREBY ORDERED that the following recitation of deadlines and procedures will govern this litigation, with all prior case management orders remaining in full force and effect except as modified by this Order:

1. **Dispositive Motion Deadline:** All dispositive motions shall be filed by **February 8, 2018.** (Dkt. 230). This deadline will **not** be extended even if you are having discovery disputes. This deadline does not include the deadline to file a motion to amend the complaint to add a claim for punitive damages.

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- a. The deadline for filing a response is 49 days from the date the motion is filed. (The local rules give parties 21 days to file a response. The parties in this case are given an extra 28 days.)
- b. The deadline for filing a reply is 42 days from the date the response is filed. (The local rules give parties 14 days to file a reply. The parties in this case are given an extra 28 days.)
- c. The page limit for a memorandum filed in support of a motion for summary judgment particular to specific plaintiff(s) is 25 pages.
- d. The page limit for a memorandum response to a motion for summary judgment particular to specific plaintiff(s) is 25 pages.
- e. The page limit for a memorandum reply in support of a motion for summary judgment particular to specific plaintiff(s) is 10 pages.
- f. The page limit for a separate statement of all material facts is 15 pages.
- g. The page limit for a memorandum filed in support of an omnibus motion for summary judgment is 35 pages.
- h. The page limit for a memorandum response to an omnibus motion for summary judgment is 35 pages.
- i. The page limit for a memorandum reply in support of an omnibus motion for summary judgment is 15 pages.
- j. The page limit for a separate statement of all material facts is 20 pages.
- k. A hearing on dispositive motions in this case is set for **June 15, 2018 at 1:30 p.m.** in Boise – Courtroom 3 before Judge B. Lynn Winmill.

2. Completion of Discovery: All discovery will be complete by January 18, 2018.
(Dkt. 230). Notwithstanding this deadline, and per the parties' agreement, discovery related to authentication of documents shall remain open until thirty (30) days before trial in this matter, or such other time the parties may agree on. After the resolution of dispositive motions, the parties shall meet and confer and agree on the procedures for stipulating to the authenticity of documents to be used at trial, and for discovery on documents for which authenticity cannot be stipulated. Within ten (10) days after the resolution of dispositive motions, the parties shall file a status update with the Court as to the parties' negotiations on this matter. (Dkt. 258)
3. Notwithstanding the deadlines above, the Church Defendants shall have until May 21, 2018 to complete discovery related to the claims of Doe I. The deadline for the Church Defendants' dispositive motion(s) concerning Doe I is June 25, 2018. The deadline for Plaintiffs to file a response is 42 days from the date the Motion is filed. The deadline for the Church Defendants to file a reply is 28 days from the date the Response is filed. A hearing on the Church Defendants' Motion shall be set by further notice.
4. Subject to the resolution of dispositive motions, the deadline to file any motion to consolidate cases or to add a claim for punitive damages shall be August 8, 2018.
5. Clawback Order; Protective Order: Further discovery in this case shall be subject to the stipulated Qualified Protective Order and Clawback Order entered in this case. (Dkt. 149)

6. Scheduling of Trial and Pretrial Conference: Subject to the resolution of dispositive motions, an initial trial date is set for **May 6, 2019**. A pretrial conference shall be set by further notice.
7. Law Clerk: The law clerk assigned to this case is **Molly Danahy**, and may be reached at (208) 334-9363, or molly_danahy@id.uscourts.gov.
8. Discovery Disputes:
 - a. I will **not** refer this case to a magistrate judge for resolution of discovery disputes and non-dispositive motions. I will keep these motions on my own docket.
 - b. The parties will strictly comply with the meet and confer requirements of Local Rule 37.1 prior to filing any discovery motions.
 - c. In addition, I will not entertain any written discovery motions until the Court has been provided with an opportunity to informally mediate the parties' dispute. To facilitate that mediation, the attorneys will first contact Molly Danahy, the law clerk assigned to this case, and shall provide her with a brief written summary of the dispute and the parties' respective positions. Ms. Danahy may be able to offer suggestions that will resolve the dispute without the need of my involvement. If necessary, an off-the-record telephonic conference with me will then be scheduled as soon as possible. I will seek to resolve the dispute during that conference and may enter appropriate orders on the basis of the conference. I will only

authorize the filing of a discovery motion and written briefing if we are unable to resolve the dispute during the conference.

d. Prior to filing any discovery motions, counsel must certify, not only that they have complied with Local Rule 37.1, but that they have complied with the foregoing procedures.

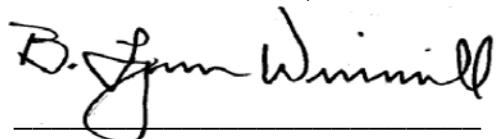
9. The Court will conduct **telephonic status conferences** with the parties. The Court will set those status conferences in a separate notice.

10. Calendaring Clerk: Scheduling matters and calendar issues may be directed to **Jamie Bracke**, who may be reached at (208) 334-9021. If reassigned, consult Judge's web page for staff directory.

11. Docketing Clerk: If you have a docketing question, please contact a docket clerk at (208) 334-1361.



DATED: March 13, 2018



B. Lynn Winmill
Chief U.S. District Court Judge