

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON
[FILED ELECTRONICALLY]

BARBARA OLINGER, as Mother and)
Next Friend of "A", a Minor)
Child Under the Age of 18 Years,)
)
Plaintiff,)
)
V.)
)
THE CHURCH OF JESUS CHRIST OF)
LATTER-DAY SAINTS, and)
JASON STARKS,)
)
Defendants.)
)

Civil Action No. 5:07-29-JMH

**REPORT OF PARTIES'
PLANNING MEETING**

** ** * * * * *

Defendants The Church of Jesus Christ of Latter-day Saints and Jason Starks, by counsel, hereby state as follows for their report of the parties' planning meeting.

Pursuant to Federal Rule of Civil Procedure 26(f) and the Court's Order of February 8, 2007, a meeting was held on February 21, 2007 by telephone and was attended by Michael Stidham for Plaintiff, Bryce Franklin for Defendant Jason Starks, and Jeremy Rogers for Defendant The Church of Jesus Christ of Latter-day Saints.

Counsel for all parties agreed in principle upon the below discovery plan. However, following the February 21, 2007 planning meeting, counsel for Defendant The Church of Jesus Christ of Latter-day Saints drafted this report and has been unable to confirm its acceptance by counsel for Plaintiff.

A. The Criminal Action

The parties recognize that there is currently pending in the Lee Circuit Court a criminal action involving Defendant Jason Starks arising from the same alleged acts that form the basis of this civil action. The parties recognize and agree that certain discovery cannot be taken of Mr. Starks pending the resolution of that criminal action. Trial in the criminal case is presently scheduled for July 2007. The parties agree that the dates set forth herein are made with the presumption that the criminal action will be resolved at that time. As such, the parties may ask the Court to modify the dates set forth herein, depending upon the outcome of the criminal case.

B. Discovery Plan

1. The parties will exchange the information required by Federal Rule of Civil Procedure 26(a)(1) by March 20, 2007.

2. The parties should be allowed until September 1, 2007, to join additional parties or to amend the pleadings.

3. Factual discovery commenced in time shall be completed by December 31, 2007.

4. Reports from retained experts under Rule 26(a)(2) shall be due from Plaintiff by February 1, 2008, and due from Defendants by March 1, 2008. Rebuttal expert reports shall be served within 30 days of the expert report to be rebutted. All expert discovery shall be completed by April 15, 2008.

5. The parties' final witness and exhibit lists shall be due July 1, 2008.

C. Pretrial Motions

1. The parties should be allowed until May 15, 2008 to file dispositive motions.

2. All non-dispositive motions should be filed no less than 10 days before trial.

D. Length of Trial

The parties estimate that the trial will last 4-5 days.

E. Trial Dates

1. The parties request a pretrial hearing in June, 2008.
2. The parties request a trial date in July, 2008.

F. Referral

At this time, the parties do not wish to refer this case to a United States Magistrate Judge for all purposes including entry of judgment pursuant to 28 USC §636(c).

Respectfully submitted,

/s/ Jon L. Fleischaker

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/s/ Bernard Pafunda

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was this 9th day of March, 2007 filed electronically via the Court's CM/ECF system, which effects service via email upon the following:

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