

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

PUBLIC CITIZEN, INC., *et al.*,

Plaintiffs,

v.

LOUISIANA ATTORNEY DISCIPLINARY
BOARD, *et al.*;

Defendants.

Civil Action No. 08-4451, c/w 08-4994

All Cases

SEC. F (JUDGE FELDMAN)

MAG. 2 (MAG. JUDGE WILKINSON)

JOINT MOTION TO MODIFY SCHEDULING ORDER

All parties jointly move the Court to modify its scheduling order to reverse the order in which the parties are required to disclose their written expert reports.

1. At the initial telephone scheduling conference on December 9, 2008, the parties requested that the scheduling order provide for defendants to produce their written expert reports before plaintiffs produced their reports, in recognition of the defendants' burden of proof in a First Amendment case. On December 10, 2008, this Court issued a scheduling order providing for defendants to produce their written expert reports no later than January 15, 2009, followed by plaintiffs no later than January 29, 2009.

2. On February 27, 2009, the Court granted the defendants' motion to continue the trial and hearings and to rescind the scheduling order. During a second telephone scheduling

conference, the parties discussed a new date for trial and hearing on dispositive motions, but did not discuss the order in which written expert reports would be disclosed.

3. On April 7, 2009, this Court issued a revised scheduling order providing for plaintiffs to produce their written expert reports no later than 90 days prior to the pretrial conference, followed by defendants no later than 60 days prior to the pretrial conference.

4. The Parties agree that, given the defendants' burden of proof in this case, the scheduling order should be revised to provide that the defendants produce their written expert reports before the plaintiffs.

WHEREFORE, the Parties respectfully request that the Court modify its scheduling order to provide that defendants produce their written expert reports no later than 90 days prior to the pretrial conference, followed by plaintiffs no later than 60 days prior to the pretrial conference.

Dated: May 12, 2009

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