

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-11117-MLW

FRIEDRICH LU,  
**Plaintiff,**

v.

GEORGE HULME, in his individual  
capacity and in his official capacity,  
TRUSTEES OF THE BOSTON PUBLIC  
LIBRARY,  
**Defendants.**

**DEFENDANTS' MOTION TO SET DISCOVERY SCHEDULE**

Defendants George Hulme, in his individual capacity, and the Trustees of the Boston Public Library (collectively, the "Defendants"), hereby move to respectfully request that this Court set a discovery schedule for this matter as suggested below.

As grounds for this Motion, the Parties note that the Court issued its decision on Defendants' Motion to Dismiss on March 30, 2013. No discovery schedule has been issued to date. Additionally, counsel for Defendants, Assistant Corporation Counsel Caroline Driscoll, will begin a four-month medical leave on November 18, 2013 and expects to return to her office on March 17, 2014. During Attorney Driscoll's leave, Assistant Corporation Counsel David Waterfall shall handle this litigation; however, as lead counsel, Attorney Driscoll is well versed with the facts and issues in this litigation and would like to participate in some part of the discovery process and potential filing of summary judgment motions.

Based upon the dates noted above, Defendants ask that this court set the following deadlines for completion of discovery and filing of any motions for summary judgment:

1. Discovery: All discovery completed by **May 1, 2014**
  - a. Depositions: All depositions shall occur on or before the discovery deadline above. A deposition that was started on or before the discovery cutoff day may continue beyond the deadline, only if necessary for completion and consistent with the Local Rules of this Court.
  - b. Other Discovery: All interrogatories, requests for admission, requests for production, or the like, shall be served at least forty-five (45) days before the discovery deadline.
  - c. Discovery Motions: Discovery motions shall be filed and served as soon as possible and not later than thirty (30) days following the discovery deadline.
  - d. Expert Discovery: The discovery cutoff provisions outline above include expert discovery.
2. Summary Judgment Motions: Any motions for summary judgment or partial summary judgment must be filed by **July 1, 2014**.
3. Final Pretrial Conference: **August 1, 2014** or as otherwise set by this Court.
4. Trial: The Parties respectfully request this Court set a trial date at its convenience.

WHEREFORE, the Defendants respectfully request that this Court grant the schedule set forth above so this litigation may continue per a set schedule.

Respectfully submitted,

DEFENDANTS GEORGE HULME, in his  
individual capacity and in his official capacity  
and TRUSTEES OF THE BOSTON PUBLIC  
LIBRARY

William Sinnott  
Corporation Counsel

By their attorneys:

/s/Caroline O. Driscoll  
Caroline O. Driscoll, BBO# 647916  
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(617) 635-4029 (DW)

Date: October 31, 2013

### **LOCAL RULE 7.1 CERTIFICATION**

I certify that on October 29, 2013, I sent a copy of this motion via email to Plaintiff to seek his assent to the proposed schedule set forth in this motion. On October 30, 2013, Plaintiff responded via email that he would not assent to the motion.

I also certify that on October 31, 2013, I filed this document through the Court's CM/ECF system and that an electronic copy will be sent via email to those identified as non-registered participants per agreement with Plaintiff.

/s/Caroline O. Driscoll  
Caroline O. Driscoll