

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUDGE JAMES M. MUNLEY

**CASE ACTION ORDER**

**TELEPHONIC CASE MANAGEMENT CONFERENCE**

DATE & TIME : 5/10/07 at 10:00

3:07-cv-585

CAPTION: J.S. et al v Blue Mountain School District, et al.

**PARTIES**

**COUNSEL**

PLAINTIFF: J.S.  
Terry Snyder  
Steven Snyder

Mary Catherine Rober (*ACLU - Phila, PA*)  
Deborah Gorden (*Education Law Center-  
Philadelphia*)

DEFENDANT:

Blue Mountain School District  
Dr. Joyce E. Romberger  
James C. McGonigle

Ellis H. Katz (*Sweet Stevens Tucker &Katz-  
New Briton, PA*)  
Tom Nichols

TIME START: 9:00

TIME FINISH: 9:15

CONFERENCE RESULTS: Discovery Due 8/21/07; Dispositive motions due 9/20/07  
No expert reports anticipated.

**MOTIONS IN LIMINE:** All motions in limine including those involving the challenge of expert witness testimony under Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) shall be filed fourteen (14) days prior to the pretrial conference. Briefs in opposition to the motions in limine, including Daubert motions, shall be due seven (7) days prior to the pretrial conference. All briefs shall be no more than six (6) pages double-spaced.

**Daubert/expert witness issues:** If there is a Daubert expert witness issue, the party challenging the evidence is required to address the issue at time of deposing the witness. If no deposition is taken of the expert witness, the complaining party must depose the witness so that a record will be made. A copy of the deposition transcript, expert report(s), affidavit(s), if any, and the party's brief outlining the basis for their objection to the testimony, with references to page and line numbers of the deposition transcript, supporting their position shall be filed with the court fourteen (14) days prior to the pretrial conference, pursuant to the motion in limine schedule outlined above.

As time is of the essence with such motions, the motions in limine, including those involving Daubert issues will not be addressed if they are not timely filed.

Please note: Parties' briefs may not refer to parties' previously filed briefs, but must stand alone in content and argument. Also, briefs in support of or in opposition to dispositive motions must cite page and line number of deposition transcripts for all factual assertions.

**Counsel are directed not to file written discovery motions. In the event of a discovery dispute, counsel shall notify Case Administrator, Sylvia Murphy, who shall schedule a telephonic discovery conference.**

**s/James M. Munley**  
**Judge James M. Munley**