

HOWREY LLP

Robert A. Peterson (2589)
Wesley D. Felix (6539)
Evelyn J. Furse (8952)
Zachary J. Weyher (10846)
170 South Main Street, Suite 400
Salt Lake City, UT 84101
Telephone: (801) 533-8383
Facsimile: (801) 531-1486

**AMERICAN CIVIL LIBERTIES UNION
OF UTAH FOUNDATION, INC.**

Margaret Plane
355 North 300 West
Salt Lake City, UT 84103
Telephone: (801) 521-9862
Facsimile: (801) 532-2850

Attorneys for Plaintiffs

**CENTER FOR DEMOCRACY &
TECHNOLOGY**

John Morris (*Admitted Pro Hac Vice*)
1634 Eye Street, N.W., Suite 1100
Washington, D.C. 20006
Telephone: (202) 637-9800
Facsimile: (202) 637-0968

**SONNENSCHN NATH &
ROSENTHAL LLP**

Michael A. Bamberger (*Admitted Pro Hac
Vice*)
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 768-6700
Facsimile: (212) 768-6800

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

THE KING'S ENGLISH, INC. et al.,

Plaintiffs,

vs.

MARK SHURTLEFF et al.,

Defendants.

**ATTORNEYS' PLANNING
MEETING REPORT**

Civil No. 2:05CV00485 DB

Judge Dee Benson

1. **ATTORNEYS' MEETING:** As required under the Federal Rules of Civil Procedure (hereinafter collectively "Rules" or individually as "Rule") 26(f), a meeting was held on October 19, 2005 at the Salt Lake City office of Howrey LLP.

a. The following were in attendance:

For Plaintiffs:

- (i) Wesley D. Felix, Howrey LLP;
- (ii) Evelyn J. Furse, Howrey LLP; and
- (iii) Gregory A. Teeter, Howrey LLP.

For Defendants:

- (i) Jerrold Jensen, Utah Attorney General's Office; and
- (ii) Mark Burns, Utah Attorney General's Office.

- b. The parties have discussed the nature and basis of their claims and defenses.

- 2. **STIPULATION OF NON-ENFORCEMENT:** This proposed schedule is contingent upon the Defendants signing and submitting a stipulation of non-enforcement of House Bill 260. A follow up status conference is scheduled for December 6, 2005 and is to be attended by all parties to this action.
- 3. **INITIAL DISCLOSURES:** The parties will exchange by November 24, 2005 the information required by Rule 26(a)(1). Any party hereafter joined to the action shall make initial disclosures within 30 days after being served with process.
- 4. **DISCOVERY PLAN:** The parties jointly propose to the court the following discovery plan (the "Plan"):
 - a. The scope of necessary discovery in this case is difficult to determine at this time because the parties are attempting to resolve Plaintiffs' claims, and the scope of necessary discovery will depend on the claims, if any, incapable of resolution. At this point, discovery appears to be necessary as to all claims and defenses.
 - b. Except as limited by this Plan, discovery may be conducted on any subject and in any manner permitted under the Federal Rules of Civil Procedure.

- c. All fact discovery, including without limitation oral depositions, shall be completed by April 14, 2006. All written discovery shall be served so as to conform with this deadline.
- d. Each "side" may serve upon any other side written interrogatories not exceeding 100 in number including all discrete subparts. Responses are due as set forth in Rule 33.
- e. Each "side" may take up to 10 depositions, including expert witnesses. The depositions, including the scope, duration, and notice requirements, are governed by the Rules.
- f. On any issue in which any party has the burden of proof, reports of experts retained by that Party shall be submitted by May 5, 2006.
- g. Opposition expert reports shall be served by May 15, 2006.
- h. Rebuttal fact discovery on issues raised in opposition expert reports or in expert depositions shall be concluded by July 17, 2006, and all such discovery shall be served to conform with this deadline.
- i. All expert depositions shall be concluded by August 10, 2006.
- j. Supplementations under Rule 26(e) are due by August 15, 2006.

5. OTHER ITEMS:

- a. Plaintiff's Opposition to Defendant's Motion to Dismiss Plaintiffs 11-14 shall be submitted by January 23, 2005.
- b. An attorney conference must be held on or before December 7, 2006
- c. The final pretrial conference is December 20, 2006
- d. The cutoff date for joining additional parties is March 1, 2006.
- e. The cutoff date for amending pleadings is March 15, 2006.
- f. The cutoff date for filing dispositive or potentially dispositive motions is August 31, 2006.
- g. The potential for settlement cannot be evaluated prior to April 25, 2006.

- h. The potential for resolution of this matter through the Court's alternative dispute resolution program cannot be evaluated prior to April 25, 2006 (either by arbitration or mediation).
- i. Final lists of witnesses and exhibits pursuant to Rule 26(a)(3) are due by Plaintiffs on November 9, 2006, and by Defendants on November 23, 2006.
- j. The parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- k. Trial is set for January 16, 2007.
- l. The estimated length of the trial is 9 days.

DATED this 9th day of November, 2005

HOWREY LLP

BY: 

Wesley D. Felix
Attorneys for Plaintiffs

DATED this 9 day of November, 2005.

UTAH ATTORNEY GENERAL'S OFFICE

BY: 

Jerrold Jensen
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2005, a true and correct copy of the foregoing was served upon the person(s) named below, at the address set out below the name, either by mailing postage prepaid, hand-delivery, Federal Express, or by telecopying a true and correct copy of said document.

Mark Shurtleff
Utah State Capitol Complex
East Office Bldg E320
Salt Lake City, UT 84114

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Jerrold Jensen
Assistant Attorney General
State Agency Counsel Division
160 East 300 South, 5th Floor
Salt Lake City, UT 84114

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Von J. Christiansen
2160 S. 600 W.
Beaver, UT 84713

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Amy F. Hughie
1 S. Main
Brigham City, UT 84302

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

N. George Daines
11 W. 100 N.
Logan, UT 84321

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Gene E. Strate
120 E. Main
Price, UT 84501

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Dennis L. Judd
461 W. 200 S.
Vernal, UT 84078

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Melvin C. Wilson
800 W. State
Farmington, UT 84025

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Karen Allen
21554 W. 9000 S.
Duchesne, UT 84021

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

David A. Blackwell
1850 N. 550 W.
Castle Dale, UT 84513

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Wallace A. Lee
55 S. Main
Panguitch, UT 84759

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Happy J. Morgan
125 E. Center St.
Moab, UT 84532

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Scott F. Garrett
82 S. 100 E.
Cedar City, UT 84720

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Jared W. Eldridge
160 N. Main, #217
Nephi, UT 84648

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Eric S. Lind
34 N. Main
Kanab, UT 84741

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

LeRay G. Jackson
259 N. Hwy 6
Delta, UT 84624

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Kelly M. Wright
48 W. Young St.
Morgan, UT 84050

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Marvin D. Bagley
180 N. 100 E. #F
Richfield, UT 84701

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

George W. "Judd" Preston
20 S. Main
Randolph, UT 84064

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

David E. Yocom
2001 S. State, #S3500
Salt Lake City, UT 84190

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Craig C. Halls
297 S. Main
Monticello, UT 84535

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Ross C. Blackham
160 N. Main
Manti, UT 84642

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

R. Don Brown
835 E. 300 N.
Richfield, UT 84701

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

David R. Brickey
60 N. Main, Suite 227
Coalville, UT 84017

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Douglas J. Ahlstrom
47 S. Main
Tooele UT 84074

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

JoAnn Stringham
152 E. 100 N.
Vernal, UT 84078

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Carlyle Kay Bryson
100 E. Center #2100
Provo, UT 84606

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Thomas L. Low
805 W. 100 S.
Heber City, UT 84032

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Brock R. Belnap
178 N. 200 E.
St. George, UT 84770

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Mark R. DeCaria
2380 Washington Blvd., #230
Ogden, UT 84401

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Von J. Christiansen
2160 S. 600 W.
Beaver, UT 84713

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Margaret Plane
American Civil Liberties Union of Utah
355 North 300 West
Salt Lake City, UT 84103

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

Michael A. Bamberger
Sonnenschein Nath and Rosenthal LLP
1221 Avenue of the Americas
New York, NY 10020

U.S. Mail
 Federal Express
 Hand-Delivery
 Telefacsimile
 Other

John Morris
Center for Democracy and Technology
1634 Eye Street, N.W., Suite 1100
Washington, DC 20006

- U.S. Mail
- Federal Express
- Hand-Delivery
- Telefacsimile
- Other

Carol Bolin