

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

STATE OF FLORIDA, by and
through Bill McCollum, et al.,

Plaintiffs,

v.

Case No.: 3:10-cv-91-RV/EMT

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES,
et al.,

Defendants.

FINAL SCHEDULING ORDER

A Rule 16 pre-trial scheduling conference was held in this matter today, April 14, 2010. Present were the attorneys for the plaintiffs: Blaine H. Winship, Florida Attorney's General Office; Joseph W. Jacquot, Florida Attorney General's Office; Chesterfield Smith, Jr., Florida Attorney General's Office; and David B. Rivkin, Jr., Baker & Hostetler; and attorneys for the defendants: Ian Gershengorn, Deputy Assistant Attorney General, Civil Division; Brian Kennedy, Department of Justice Civil Division's Federal Programs Branch; Eric Beckenhauer, Department of Justice Civil Division's Federal Programs Branch; and Pamela Moine, Assistant United States Attorney. Also appearing via telephone were the named plaintiffs or their representatives for the states of Alabama, Arizona, Colorado, Florida, Indiana, Michigan, Nebraska, Nevada, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Washington.

After discussion with the attorneys of record, and the court otherwise being fully advised in the premises, it is hereby ORDERED:

A. The following schedule and dates are hereby set and approved for pre-trial proceedings in this case:

May 14, 2010	Plaintiffs' date for filing an amended complaint;
June 16, 2010	Defendants' date for filing a motion to dismiss;
August 6, 2010	Plaintiffs' date for filing a brief in opposition to the motion to dismiss;
August 27, 2010	Defendants' date for filing a reply to Plaintiffs' opposition brief;
September 14, 2010 at 9:00 a.m.	Oral argument on Defendants' motion to dismiss.

The plaintiffs may, but they are not required to, file their motion for summary judgment at or after the time they file their response in opposition to defendants' motion to dismiss (August 6th). The plaintiffs' motion for summary judgment, if filed prior to resolution of the motion to dismiss, will be held in abeyance until the court rules on the motion to dismiss. If this case survives dismissal, in whole or in part, the defendants will then have forty (40) days from the date of the order ruling on the motion to dismiss (or from the filing of the plaintiffs' motion for summary judgment, whichever is later) to respond to the motion for summary judgment. The plaintiffs will have twenty-one (21) days to reply to that response. An oral argument date will be set by the Court on the summary judgment motion once the briefing dates become fixed.

B. The briefing with regard to the motions described above will be limited to fifty (50) pages for the initial and responsive briefs, and twenty-five (25) pages for reply briefs.

C. The deadline for joining parties will be the same date for the amended complaint (May 14, 2010).

D. To the extent that any discovery may be required in this case, the discovery deadline is September 14, 2010.

E. The parties are hereby excused from compliance with the initial disclosure provisions under Rule 26, Federal Rules of Civil Procedure, and the other reporting requirements under Rule 16 of those rules, as well as the corresponding Local Rules, pending further Order from this Court.

DONE and ORDERED this 14th day of April, 2010.

/s/ Roger Vinson
ROGER VINSON
Senior United States District Judge