

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ACLU OF TENNESSEE, INC.,)	
)	
Intervening Plaintiff,)	
)	Case No. 2:17-cv-02120-JPM-jay
v.)	
)	
CITY OF MEMPHIS,)	
)	
Defendant.)	

AMENDED FINAL SCHEDULING ORDER

This cause was before the Court on February 28, 2020 to discuss the City’s February 18, 2020 Unopposed Motion to Extend the Deadlines for Expert Information Disclosure and for Fact Witness Depositions. (ECF No. 283.) Present for the ACLU of Tennessee (hereinafter “ACLU-TN”) were Thomas Castelli and Amber Strickland Floyd. Present for the City were Mark Glover and Bruce McMullen. Also present were the Independent Monitor Edward Stanton III and monitoring team member Will Perry.

The City moves the Court pursuant to Federal Rule of Civil Procedure 16(b)(4) to extend both the fact witness deposition deadline and the deadline for the City’s disclosure of its Rule 26(a)(2) expert information. (Id.) The Court **GRANTS** the Motion in part. The new deadlines are provided in the schedule set forth below.

The City made inquiry regarding the use of information gathered as a result of the Independent Monitor’s focus groups. The Court reiterated that any information obtained as a result of the focus groups is not evidentiary in nature but is for the purpose of spotting issues of concern to members of the public.

The Final Schedule is as follows:

DEADLINES FOR COMPLETING ALL DISCOVERY:

- (a) ESI PROTOCOL AGREEMENT: January 8, 2020**
 - (i)** Exchange of First Draft of ESI Protocol by December 4, 2019.
- (b) WRITTEN DISCOVERY: January 31, 2020**
 - (i)** Includes service of written answers to interrogatories, production of all responsive documents, and production of privilege logs.

(c) **ACLU-TN DEADLINE TO PROVIDE NOTICE OF DEPOSITIONS IT INTENDS TO TAKE: January 13, 2020** (The City anticipates taking one (1) deposition of a non-lawyer with the ACLU-TN)

(d) **DEPOSITIONS: March 6, 2020**

DEADLINE FOR FILING BY THE PARTIES OF ALL JOINTLY-PROPOSED MODIFICATIONS TO THE CONSENT DECREE: April 17, 2020

EXPERT WITNESS DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(2):

(a) **DISCLOSURE OF THE CITY'S RULE 26(a)(2) EXPERT INFORMATION** (the City will call one (1) expert): **April 6, 2020**

(b) **DISCLOSURE OF ACLU-TN'S RULE 26(a)(2) EXPERT INFORMATION** (the ACLU-TN will call one (1) expert): **May 4, 2020**

(c) **DISCLOSURE OF THE CITY'S RULE 26(a)(2) REBUTTAL EXPERT INFORMATION: May 11, 2020**

(d) **DEADLINE FOR ACLU-TN'S DEPOSITIONS OF CITY'S REBUTTAL EXPERTS: May 27, 2020**

(e) **FINAL DEADLINE FOR DEPOSITIONS OF ALL EXPERTS: May 27, 2020**

MONITOR'S FINAL REPORT, ANTICIPATED PRESENTATIONS, AND EXPERT ANALYSIS: At least two (2) weeks in advance of the trial.

PUBLIC WRITTEN COMMENT PERIOD:

1. The Court will accept written comments on this matter from **Friday, April 3, 2020** through **Monday, May 4, 2020**.
2. The procedure for written public comments will be set out in a separate order. The Parties shall submit proposals for the public comment procedure by no later than **January 17, 2020**.

TRIAL:

1. The **non-jury trial** in this matter, which is anticipated to last **2 to 3** days, is set to begin on **June 17, 2020, at 9:30 a.m.** in a courtroom to be designated by the District Court courtroom sharing plan.
2. **Trial Briefs** are due by no later than **June 3, 2020, at 4:30 p.m.**

SO ORDERED, this 3rd day of March, 2020.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE