

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

ELAINE BLANCHARD, KEEDRAN)	
FRANKLIN, PAUL GARNER and BRADLEY)	
WATKINS,)	
)	
Plaintiffs,)	
and)	
)	
ACLU OF TENNESSEE, Inc.)	
)	
Intervening Plaintiff,)	
v.)	No. 2:17-cv-02120-JPM-dkv
)	
THE CITY OF MEMPHIS,)	
)	
Defendant.)	
)	
)	

RULE 26(f) PLANNING REPORT

Pursuant to Rule 26(f) of the Tennessee Rules of Civil Procedure, Thomas H. Castelli and Bruce Kramer, counsel for Plaintiffs, and Buckner P. Wellford and Thomas L. Parker, counsel for Defendant, City of Memphis, conferred on March 13, 2017 and March 31, 2017, for the purpose of complying with requirements of Rule 26(f). The parties jointly file this Discovery Planning Report and state as follows:

1. **Initial Disclosures.** Due to the pending Motion to Bifurcate and Stay Discovery (Docket 19) and Motions to Dismiss (Dockets 8 and 22), the parties anticipate making Initial Disclosures, if necessary, within fourteen (14) days following the Court’s ruling on the pending Motions to Dismiss (Dockets 8 and 22).

2. **Discovery Plan.** Due to the pending Motions to Dismiss and the Motion to Bifurcate and Stay Discovery, the parties are not in agreement with regard to the scope of discovery at this time. However, within fourteen (14) days of the Court's ruling on the Motions to Dismiss, the parties anticipate proposing a supplemental discovery plan with a statement concerning the scope of anticipated discovery.

3. **Proposed Deadlines.** Plaintiffs and Defendants have set forth below proposed deadlines on the topics and in the format set forth in form 52¹.

- a) **Discovery Deadlines.** Written discovery shall be completed by August 31, 2017.
- b) **Depositions and all Remaining Discovery.** All depositions and other discovery shall be completed by December 29, 2017.
- c) **Interrogatories.** The maximum number of interrogatories to be propounded by each party and the deadline for responding to interrogatories shall be governed by Federal Rule of Civil Procedure 33.
- d) **Requests for Admission.** The number and timing of requests for admission shall be governed by Federal Rule of Civil Procedure 36.
- e) **Deposition quantity.** The parties stipulate and propose that each side will be limited to fifteen (15) depositions unless additional depositions are authorized by the Court after a showing of good cause. Deposition length shall be governed by Federal Rule of Civil Procedure 30(d).
- f) **Expert witnesses.** Plaintiffs shall disclose any Rule 26 expert information by September 15, 2017. Defendants shall disclose Rule 26 expert information on or

¹ Defendant has filed Motions to Dismiss and a Motion to Bifurcate and to Stay Discovery that are pending at this time. Depending on the Court's rulings on these Motions and the timing of those rulings, the discovery deadlines could be rendered moot and/or alter those deadlines.

before October 30, 2017. Expert witness depositions shall be completed by the discovery cut-off date of December 29, 2017.

4. **Pretrial Conference and Deadlines.**

- a) **Pretrial Conference.** The Parties request to meet with the Court for a pretrial conference on a date to be determined at the Court's discretion.
- b) **Deadline for amended pleadings or joining additional parties.** The deadline for joining additional parties shall be June 5, 2017. Amended pleadings for reasons other than to join additional parties shall be filed on or before June 19, 2017.
- c) **Motion deadlines.** In addition to the Motions to Dismiss that are already pending, Defendants shall find any additional Motions to Dismiss, if any, on or before July 10, 2017. Motions to Exclude Experts under Federal Rule of Civil Procedure 702 – Daubert Motions shall be filed on or before January 31, 2018. Other dispositive motions shall be filed on or before February 28, 2018.
- d) **Alternative dispute resolution procedure recommended.** The parties agree that the possibilities of settlement cannot be properly evaluated prior to the completion of written discovery. The parties recognize that mediation could be helpful to resolving the issues in the case. The parties have not agreed on a particular date for mediation. Pursuant to Local Rule 16(d), within seven (7) days of completion of mediation, the parties will file a notice confirming that the mediation was conducted and indicating

whether it was successful or unsuccessful, without disclosing the parties respective positions at the mediation.

- e) **Trial Date.** The parties agree that the trial would be a non-jury trial and the length would be approximately four (4) days. The pretrial order deadline, the pretrial conference date, and trial date will be set by separate order at the Court's discretion.
- f) **Electronically stored information.** As required by Local Rule 26.1(e), the parties have conferred as to whether they will seek discovery of electronically stored information (e-discovery) and have reached an agreement regarding an e-discovery protocol and hereby submit the parties' e-discovery protocol for the Court's consideration and approval. (See attached).
- g) The parties do not consent to all further proceedings in this case (including discovery disputes, pretrial issues and trial) being handled by the Magistrate Judge in accordance with 28 U.S.C. § 636(c).

This the 31st day of March, 2017.

Respectfully submitted,

s/ Thomas L. Parker

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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2017, the foregoing will be served by this Court's ECF system to:

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