

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

FLORIDA STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE
(NAACP), as an organization and representative
of its members, *et al.*,

Civil No. 4:07cv402SPM/WCS

Plaintiffs,

vs.

KURT S. BROWNING, in his official capacity as
Secretary of State for the State of Florida,

Defendant.

REPORT OF PARTIES' PLANNING MEETING

- 1) The following persons participated in a telephonic Rule 26(f) conference on November 21, 2008: Glenn Burhans, Myrna Perez and Lauren Rothenberg for Plaintiffs; Allen Winsor and Andy Bardos for Defendant
- 2) Discovery Plan: The parties propose the following discovery plan:
 - a) Discovery may be needed on these subjects: policies and procedures related to the operation and enforcement of § 97.053(6), Fla. Stat., as amended by Florida Chapter Law 2008-95, executed on June 5, 2008 (“Subsection 6”), from July 28, 2008 to the present; the identity of voter registration applicants who were unmatched pursuant to Subsection 6 during any period from July 28, 2008 to the present; notice, information, or instructions provided to unmatched voter registration applicants; policies and procedures related to unmatched voter

- registration applicants who cast absentee ballots or appear in person to vote during early voting or on Election Day; provisional ballots cast by unmatched applicants; and all communications with county supervisors of election concerning the enforcement of Subsection 6.
- b) Fact discovery shall be completed by March 31, 2009. Expert discovery shall be completed by June 1, 2009.
 - c) The maximum number of interrogatories and the dates on which responses are due will be governed by the Federal Rules of Civil Procedure.
 - d) The maximum number of requests for admission and the dates on which responses are due will be governed by the Federal Rules of Civil Procedure.
 - e) The maximum number of depositions by each party and limits on the length of depositions will be governed by the Federal Rules of Civil Procedure.
 - f) Expert disclosures shall be served by Plaintiffs no later than February 15, 2009. Expert disclosures of Defendant shall be served no later than April 30, 2009.
 - g) Plaintiffs' expert reports shall be due April 15, 2009. Defendant's expert reports shall be due May 15, 2009.
 - h) Parties shall supplement their discovery responses pursuant to Rule 26(e) in a reasonable time after supplementation becomes necessary.
- 3) Other items:
- a) The parties do not request a meeting with the Court before entry of a subsequent scheduling order.
 - b) The parties do not request specific dates for pretrial conference.

- c) The parties propose that the last date for the parties to amend pleadings or to join parties, in either case with leave of Court, shall be December 31, 2008.
- d) The parties propose that the deadline to file dispositive motions shall be June 10, 2009.
- e) The parties discussed the possibility of settlement and will continue to do so as this case continues. The prospects for settlement are currently unknown.
- f) The parties will consider the prospect of mediation as this case progresses. The parties have not determined at this point whether mediation would be helpful.
- g) The parties request a three-day trial be set on or around July 20-22, 2009.
- h) The parties do not all consent to Magistrate Judge jurisdiction.
- i) The parties agree that disclosure or production will be limited to data reasonably available to the parties in the ordinary course of business. The parties reserve the right to revisit this issue if initial discovery reveals the need for additional data. The parties agreed that electronic files shall be produced in electronic or paper form, or as otherwise agreed. The parties currently have no reason to believe that potentially discoverable electronic data has not been preserved.
- j) The parties agree that if privileged data or documents are inadvertently produced, they will be returned and copies will be destroyed.
- k) The parties will address issues of confidentiality with respect to discovery if and when such issues arise.

Dated: December 5, 2008.

/s/ Elizabeth S. Westfall (with permission)

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