

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**ASSOCIATION OF COMMUNITY)
ORGANIZATIONS FOR REFORM)
NOW, et al.,)**

Plaintiffs,

v.

CATHY COX, et al.,)

Defendants.)

**CIVIL ACTION NO.
1:06-CV-1891-JTC**

**DEFENDANT’S PROPOSED SCHEDULING TIMETABLE
AND
RESPONSE TO PLAINTIFFS’ ARGUMENT REGARDING SCHEDULING**

COME NOW the Defendants in the above styled action, and pursuant to this Court’s direction at the status conference held in this case on August 21, 2006, propose the following dates for briefing and hearing on Plaintiffs’ Motion for Preliminary Injunction:

- Friday, September 8, 2006: Deadline for submission of responsive pleadings by Defendants.
- Monday September 11, 2006: Deadline for submission of reply brief by Plaintiff in support of Motion for Preliminary Injunction.

- Wednesday September 13, 2006: Hearing on Motion for Preliminary Injunction.

A proposed order scheduling these dates is filed herewith, as well as a good faith certificate of counsel, with attachments.

This Court indicated as the status conference that the August 29 date that Plaintiffs insist upon and have refused to budge from (see Plaintiffs' Proposed Schedule) is inadequate. The Plaintiffs' have never been willing to alter this date. (*See* Good Faith Certificate of Counsel filed herewith and email attached as exhibits thereto.)

Defendants' counsel has asked for dates of depositions and the identity of deponents, and has been willing to proceed by Rule 30(b)(6) depositions to streamline the discovery process. The Plaintiffs' counsel has provided neither. (*See* Good Faith Certificate of Counsel filed herewith and email attached as exhibits thereto.)

Defendants' counsel has even suggested that all of the Plaintiffs' might designate a few limited witnesses to speak on behalf of them all, further limiting the need for discovery. The Plaintiffs' counsel originally refused orally and subsequently (to an emailed request) has not responded at all. (*See* Good Faith Certificate of Counsel filed herewith and email attached as exhibits thereto.)

Defendants' counsel is well aware that this Court would rather not parse the parties' correspondence, but Defendants are at a loss when Plaintiffs have refused to meaningfully discuss this issue. The dates proposed by Defendants are reasonable dates -- indeed, perhaps less than the Court was prepared to give -- and, in any regard, put the Defendants at a strain in responding, especially given the fact that discovery seems necessary. It seems unlikely that stipulated facts are possible given the tenor of what is discussed above. Defendants lack even elementary information of Plaintiffs' claimed injury and disagree with many of the factual assertions made by Plaintiffs' counsel at the status conference.

The Plaintiffs' waited eight months to bring this action. Their claim that they were "negotiating this issue" is incorrect, and even as claimed did not stop them from protecting their interests in a timely manner rather than waiting until the eleventh hour. The "need" for expedited relief is something they manufactured. There can be no meaningful dispute as to that.

Thus, while the Defendants could properly insist on no expedited relief at all, they ask, in a professional manner, only that they be given adequate time now. This Court has the inherent discretion to handle the scheduling of matters before it. *See, e.g., CBS Broad., Inc. v. EchoStar Communs. Corp.*, 450 F.3d 505 (11th Cir. 2006). Plaintiffs' assertion that Defendants can have, by law, no more than 10

days from August 15 to respond is wrong. Under Rule 4 responsive pleadings are due 60 days from service, since service was by acknowledgment, which Plaintiffs' suggested.

Plaintiffs' suggestion is that Defendants should have about a week from the status conference, and less than a week from when a scheduling order is entered. That is in appropriate at best. Defendants show that they can and will respond by September 8, 2006, including a very short period for deposition discovery, assuming Plaintiffs do not obstruct discovery.

WHEREFORE Defendants request that this Court schedule the briefing and hearing on Plaintiffs' motion for Preliminary Injunction as proposed above and on the proposed order filed herewith.

SIGNATURE CERTIFICATION

I certify that the originally executed document contains the signatures of all filers indicated herein and therefore represents consent for filing of this document.

/s/Stefan Ritter
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CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing
DEFENDANT'S PROPOSED SCHEDULING TIMETABLE AND RESPONSE
TO PLAINTIFFS' ARGUMENT REGARDING SCHEDULING with the Clerk of
Court using the CM/ECF system, which will send notification of filing to the
following CM/ECF participant:

Bradley E. Heard
Molden Holley Fergusson Thompson & Heard
One Park Tower
34 Peachtree Street, NW, Suite 1700
Atlanta, Georgia 30303-4501

This 23rd day of August, 2006.

/s/Stefan Ritter
STEFAN RITTER
Georgia Bar No. 606950
Attorney for Defendants