

UNITED STATES DISTRICT COURT
DISTRICT COURT OF MARYLAND

KRAVITZ, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, *et al.*,

Defendants.

Civil Action No. 8:18-cv-01041-GJH

**JOINT PROPOSAL FOR PRETRIAL SCHEDULE
AND REQUEST FOR TELEPHONIC SCHEDULING CONFERENCE**

Pursuant to the Court's August 22, 2018 Order (Dkt. 49), the parties submit this joint scheduling proposal, the substance of which is reflected in the attached proposed order.

The parties respectfully request a telephonic scheduling conference with the Court to finalize dates for a bench trial, a pretrial conference, and a hearing on summary judgment motions, in coordination with the scheduling proposal set forth below.

I. Discovery

The parties propose the following discovery deadlines:

- Plaintiffs' expert reports shall be due on **October 5, 2018;**
- Defendants' expert reports shall be due on **October 19, 2018;**
- Plaintiffs' rebuttal expert reports shall be due on **October 26, 2018;**
- Fact and expert discovery shall close on **November 2, 2018.**

The parties further propose to coordinate discovery with *LUPE, et al. v. Ross, et al.*, 8:18-cv-01570 (D.Md.) ("*LUPE*"), a later-filed action pending before this Court that also

challenges the inclusion of a citizenship question to the 2020 Census questionnaire. The parties have conferred with the plaintiffs in *LUPE*, and they have agreed to coordinate discovery and adhere to the proposed discovery deadlines in this action.

II. Bench Trial and Summary Judgment Motions

Because of the time-sensitive nature of the injunctive relief sought by Plaintiffs, the parties agree that this case should be adjudicated as expeditiously as practicable. Therefore, the parties (i) request that the Court schedule a bench trial for the second half of **January 2019** on dates that are convenient for the Court and (ii) propose the following deadlines for summary judgment motions to provide the Court with sufficient time to rule on such motions in advance of trial:

- Summary judgment motions due on **November 12, 2018;**
- Responses due on **November 27, 2018;**
- Replies due on **December 4, 2018;**
- Hearing the **week of December 11, 2018.**

The parties agree to confer in good faith following the close of discovery to determine if they can stipulate to material facts and/or narrow the issues to be presented to the Court on summary judgment.

Dated: August 29, 2018

CHAD A. READLER
Acting Assistant Attorney General

BRETT A. SHUMATE
Deputy Assistant Attorney General

JOHN R. GRIFFITHS
Director, Federal Programs Branch

CARLOTTA P. WELLS
JOSHUA E. GARDNER
Assistant Branch Directors

/s/ Stephen Ehrlich

KATE BAILEY
GARRETT COYLE
STEPHEN EHRLICH
CAROL FEDERIGHI
DANIEL J. HALAINEN
MARTIN M. TOMLINSON

Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W.
Washington, DC 20530
Tel.: (202) 305-9803
Fax: (202) 616-8470
Email: Stephen.ehrlich@usdoj.gov

Counsel for Defendants

COVINGTON & BURLING LLP
By: /s/ Daniel Grant
Daniel Grant (Bar Number: 19659)
Shankar Duraiswamy*
Dustin Cho*
Bianca Nunes*
Karun Tilak*
Tina M. Thomas*
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, D.C. 20001-4956
Tel: (202) 662-6000
Fax: (202) 662-6302
dgrant@cov.com
sduraiswamy@cov.com
dcho@cov.com
bnunes@cov.com
tthomas@cov.com
ktilak@cov.com

P. Benjamin Duke*
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018-1405
Tel: (212) 841-1000
Fax: (212) 841-1010
pbduke@cov.com

Lawrence A. Hobel**
COVINGTON & BURLING LLP
One Front Street
San Francisco, CA 94111-5356
Tel: (415) 591-6000
Fax: (415) 591-6091
lhobel@cov.com
Attorneys for Plaintiffs

* Admitted *pro hac vice*

** *Pro hac vice* forthcoming