

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION
CASE NO. 3:17-CV-00189-GNS**

EMW WOMEN'S SURGICAL CENTER, P.S.C.,
on behalf of itself, its staff, and its patients; and
ERNEST MARSHALL, M.D.,
on behalf of himself and his patients

PLAINTIFFS

v.

VICKIE YATES BROWN GLISSON,
in her official capacity as Secretary of
Kentucky's Cabinet for Health and Family Services

DEFENDANT

ORDER

On April 4, 2017, the Court held a telephonic status conference with counsel for the Plaintiffs and the Defendant. Based upon the agreement of the parties reached during the status conference, the Court hereby **ORDERS**:

1. Pursuant to Fed.R.Civ.Proc. 65 (b) (2), with the agreement of the Plaintiffs and the Defendant, the terms of the Temporary Restraining Order entered on March 31, 2017 (Doc. 6) will continue in full force and effect as a Preliminary Injunction until a final judgment is entered in this action.
2. Defendant shall file her Answer on or before April 14, 2017.
3. The parties shall make their Rule 26 (a) disclosures on or before April 21, 2017.
4. Discovery shall commence on April 28, 2017, and close August 1, 2017.
5. The parties will endeavor to reach agreement on undisputed facts prior to the pretrial conference scheduled for 1:30 p.m. (EDT), June 8, 2017.

6. On or before June 1, 2017, the parties shall file their expert witness disclosures and reports.
7. On or before June 22, 2017, the parties shall file any rebuttal expert disclosures and reports.
8. On or before August 15, 2017, the parties shall jointly exchange a list of the witnesses they expect to call at trial.
9. On or before August 21, 2017, the parties shall exchange a list and copies of the exhibits they intend to introduce at trial.
10. Pretrial filings such as motions *in limine* and *Daubert* motions shall be filed on or before August 28, 2017.
11. On or before August 30, 2017, the parties shall file pretrial memoranda, not to exceed thirty (30) pages, excluding any exhibits.
12. The Kentucky Cabinet for Health and Family Services is unaware of any alleged regulatory violations by Plaintiff EMW other than those related to the hospital and ambulance agreements that are the subject of this action, and the Cabinet will renew EMW's abortion facility license through May 31, 2018, pending the trial and resolution of this action by final judgment.



Greg N. Stivers, Judge
United States District Court

April 7, 2017

cc: counsel of record