

STATE OF INDIANA)
)
COUNTY OF MONROE)

MONROE COUNTY CIRCUIT COURT

CAUSE NO. 53C06-2208-PL-001756

PLANNED PARENTHOOD GREAT)
NORTHWEST, HAWAI'I, ALASKA,)
INDIANA, KENTUCKY, INC., *et al.*,)

Plaintiffs,)

v.)

MEMBERS OF THE MEDICAL LICENSING)
BOARD OF INDIANA, INC., *et al.*,)

Defendants.)

**Joint Motion to Consolidate the Trial with the Hearing on the Pending Preliminary
Injunction Motion and Proposed Case Management Schedule**

The parties, by their counsel, say that:

1. Plaintiffs filed their original complaint and request for a preliminary injunction in this case on August 31, 2022. The Court granted a preliminary injunction on September 22, 2022, which defendants appealed to the Indiana Supreme Court. Further litigation in the trial court was stayed pending the outcome of the Indiana Supreme Court proceedings. On June 30, 2023, the Indiana Supreme Court issued an opinion vacating the preliminary injunction, which was certified on August 23, 2023.
2. On November 9, 2023, plaintiffs filed their Amended Complaint in this case and a renewed request for a preliminary injunction.

3. The parties have conferred, and the parties agree to jointly request that, pursuant to Indiana Trial Rule 65(A)(2) the trial of the action be consolidated with hearing on the preliminary injunction.

4. Assuming that the request is granted, the parties suggest the following schedule for the Court's consideration.

By December 14, 2023—Defendants will file their response to the amended complaint.

By January 15, 2024—Defendants will identify their experts and make their disclosures through declarations or reports.

By February 22, 2024—All discovery will be completed by all parties.

By March 22, 2024—Defendants will file their response to the November 9, 2023, Brief in Support of Plaintiffs' Motion for Preliminary Injunction. However, the parties agree that inasmuch as the merits have been advanced to the preliminary injunction hearing, defendants need not address the factors that are unique to the preliminary injunction determination and these factors do not have to be addressed in any subsequent briefing.

By April 12, 2024—Plaintiffs will file their reply memorandum. The parties agree that plaintiffs may submit rebuttal evidence as they deem it appropriate.

By May 3, 2024—Defendants may file a surresponse if plaintiffs have presented rebuttal evidence along with their reply.

Mid-May of 2024—The case may be set for trial if the Court's schedule allows for the setting.

5. The parties stipulate that any evidence received by the Court in the form of declarations, depositions, or other verified statements shall be admissible at the consolidated trial, subject to any objections to which in-person testimony is subject.

6. At this point, the parties are not certain as to whether an evidentiary hearing will be necessary and would like to discuss this with the Court. The parties would also like to discuss the possibility of having witnesses who are outside of the State of Indiana testify via video at any trial or evidentiary hearing.

WHEREFORE, the parties submit this Proposed Joint Case Management Schedule, and request that it be considered and approved by the Court, and for all other proper relief.

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