

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
ROCK ISLAND DIVISION**

SUSAN BENNETT,

Plaintiff,

v.

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL
EMPLOYEES, COUNCIL 31, AFL-CIO;
AFSCME LOCAL 672; MOLINE-COLE
VALLEY SCHOOL DISTRICT NO. 40;
ATTORNEY GENERAL KWAME
RAOUL, in his official capacity; and
ANDREA R. WAINTROOB, chair, JUDY
BIGGERT, GILBERT O'BRIEN JR.,
LYNNE SERED, and LARA SHAYNE,
members, of the Illinois Educational Labor
Relations Board, in their official capacities,

Defendants.

Case No. 4:19-cv-04087-SLD-JEH

**JOINT DISCOVERY PLAN PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 26(f)**

Counsel for Plaintiff Susan Bennett; Counsel for Defendants AFSCME Council 31 and AFSCME Local 672; Counsel for Defendant Moline-Coal Valley School District No. 40; and Counsel for Defendants Attorney General Kwame Raoul, Andrea R. Waintroob, Judy Biggert, Gilbert O'Brien Jr., Lynne Sered, and Lara Shayne, having conferred by telephone on July 16, 2019 for the purpose of formulating a proposed discovery schedule for consideration by the Court, hereby submit the following Joint Discovery Plan for the Court's consideration.

Because the parties agree that this case likely can be resolved on cross-motions for summary judgment based on a stipulated record, the parties believe that discovery likely will be unnecessary in this case. The parties thus believe that the case can be resolved most efficiently if a stipulated record is agreed upon without any discovery. The parties therefore have proposed a deadline for submitting a stipulated record to the Court, along with a joint status report that will

propose a briefing schedule for cross-motions for summary judgment, as well as deadlines for a brief period of discovery in the unlikely event that the parties cannot agree on an all-encompassing stipulated record. For this reason, the proposed Joint Discovery Plan does not contain deadlines for all of the items set forth in Attachment A to the Court's Order setting the case for a Rule 16 Scheduling Conference (ECF No. 18, at 10). With that said, the parties will be prepared to discuss further deadlines at the time of the Scheduling Conference in the event that the Court would prefer to set additional deadlines at that time.

Accordingly, the parties hereby submit the following jointly agreed deadlines for the Court's consideration.

1. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1): August 2, 2019.
2. Amendment of the pleadings: August 2, 2019.
3. Joining additional parties: August 2, 2019.
4. Stipulated record and joint status report: September 19, 2019. The parties will submit a joint status report containing the following: (1) a statement of whether a stipulated record has been finalized, (2) a copy of the stipulated record that has been agreed upon, (3) a proposed briefing schedule for cross-motions for summary judgment, and (4) a proposed deadline for a brief period of discovery in the unlikely event that the parties cannot agree on an all-encompassing stipulated record.

Plaintiff has also filed an agreed motion to stay briefing of the State Defendants' Motion to Dismiss based on the parties' belief that this matter would be most efficiently resolved on cross motions for summary judgment and that the arguments made in, and defenses to, the motion to dismiss would be repeated in the cross motions for summary judgment briefing. The State Defendants ask that their motion to dismiss be considered simultaneously with the

summary judgment motions without the necessity of having to file a new motion for summary judgment.

As set forth above, the parties believe that this case can be resolved on cross-motions for summary judgment, but in the event that the Court denies both parties' cross-motions, the parties would like to reserve the right to request a brief period of discovery prior to trial.

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