

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DAYTON AREA CHAMBER OF
COMMERCE, *et al.*,

Plaintiffs,

Case No. 3:23-cv-156

vs.

XAVIER BECERRA,
In his Official Capacity as Secretary
of the U.S. Department of Health
and Human Services, *et al.*

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

Defendants.

PRELIMINARY PRETRIAL CONFERENCE ORDER

The Court has reviewed the parties' Rule 26(f) report. Doc. No. 58. The parties stipulate that no further discovery is needed and that this case can be resolved via dispositive motion(s). Doc. No. 58 at PageID 675. However, the parties could not agree on a proposed schedule. Doc. No. 58 at PageID 675.

After reviewing both parties' proposed schedules, the Court concludes that allowing the parties to file cross-motions for summary judgment will promote fair and efficient case management. Although Defendants intend to raise threshold arguments on both subject-matter jurisdiction and venue (Doc. No. 58 at PageID 680), the Court finds that these arguments have not been waived. Defendants may raise these arguments in their motion for summary judgment. The Court also adopts the parties' stipulation that Defendant need not file an answer to the amended complaint.

The specific case management dates and deadlines in this case are as follows:

1. Summary judgment motions due:	December 5, 2023
2. Oppositions to summary judgment motion due:	January 5, 2024
3. Replies to summary judgment opposition due:	January 19, 2024

The Court declines to issue the “target decision date” that Plaintiffs requested.

IT IS SO ORDERED.

October 26, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge