

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

LOURDES MATSUMOTO,
NORTHWEST ABORTION ACCESS
FUND, and INDIGENOUS IDAHO
ALLIANCE,

Plaintiffs,

v.

RAÚL LABRADOR, in his capacity as
the Attorney General for the State of
Idaho

Defendant.

Case No. 1:23-CV-00323-DKG

**SCHEDULING ORDER
(STANDARD TRACK)**

In accordance with the agreements reached in the Stipulated Litigation Plan and the proposed Discovery Plans separately submitted by the parties, and to further the just, speedy, and inexpensive determination of this matter,

NOW THEREFORE IT IS HEREBY ORDERED that the following deadlines and procedures will govern this litigation:

1. Dispositive Motion Deadline: All dispositive motions, including motions for punitive damages, must be filed by **November 20, 2025**.¹
2. Amendment of Pleadings and Joinder of Parties: Motions to amend pleadings and join parties, except for allegations of punitive damages, must be filed on or before **June 17, 2025**. This deadline will be extended only for good cause shown.²
3. Alternative Dispute Resolution: The parties have chosen to participate in a **judicially supervised settlement conference**. ADR must be held by **July 23, 2025**. Within 7 days of this Order, the parties must contact the ADR Administrator, at adr@id.uscourts.gov, to assign a settlement conference judge, if one is available, and schedule a date for the settlement conference. Please ensure that all emails directed to adr@id.uscourts.gov contain the case number and title in the email subject line.

¹ The Court's policy is to accept only one motion to dismiss and one summary judgment motion per party. If it appears, due to the complexity or number of issues presented, that counsel is unable to address all issues within the twenty-page limit for briefs, Dist. Idaho Loc. R. 7.1(b)(1), then it is appropriate to file a motion requesting permission to file an over-length brief, rather than filing separate motions for each issue. The Court prefers reviewing one over-length brief in support, one over-length brief in response, and one ten-page reply brief, if any, rather than the panoply of briefs that are generated when multiple motions are filed. If cross motions for summary judgment are filed, the briefing should be combined as described at: https://www.id.uscourts.gov/district/judges/grasham/Motion_Practices.cfm

² The Ninth Circuit has held that motions to amend filed after the Scheduling Order deadline are governed not by the liberal provisions of Fed. R. Civ. P. 15(a), but instead, by the more restrictive provisions of Fed. R. Civ. P. 16(b) requiring a showing of "good cause." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992).

4. Discovery: The parties submitted separate proposed discovery plans wherein the parties agree on the discovery deadlines and some, but not all, discovery procedures. (Dkt. 61, 63). The discovery deadlines agreed upon are incorporated herein. The parties disagree concerning: the ESI date range; ESI custodians and job titles; the scope of discovery; the number of depositions, interrogatories, and requests for production; whether ESI files should be produced in their native format; and ESI relevant to email. Where the parties have reach agreement regarding discovery, the parties shall proceed with discovery in accordance therewith unless otherwise ordered by the Court. Where there is no agreement of the parties or Court Order stating otherwise, discovery shall proceed in accordance with the Federal Rules of Civil Procedure and the District of Idaho Local Civil Rules. The parties are directed to communicate and cooperate in good faith during discovery and throughout this litigation, and to continue discussions relevant to discovery matters for the purpose of resolving any disagreements where possible. Fed. R. Civ. P. 1. To that end, the parties are advised that the Court's approach to discovery generally adheres to the principles that the scope of discovery is intended to be broad and the information sought need not be admissible in evidence to be discoverable, so long as it is relevant and proportional. Fed. R. Civ. P. 26(b)(1). With these principles in mind, if the parties are unable to reach agreement on discovery matters after having conferred, the parties may contact the Court's Law Clerk for assistance.

5. Clawback: Pursuant to Fed. R. Evid. 502(d), it is hereby **ORDERED** that production of a privileged or work-product-protected document, whether inadvertent or otherwise, is not a waiver of privilege or work-product protection in this case or in any other federal or state proceeding.
6. Initial Disclosures: Both parties must provide their initial disclosures on or before **April 11, 2025**.
7. Completion of Fact Discovery: All fact discovery must be completed by **October 23, 2025**. This is a deadline for the completion of all fact discovery; it is not a deadline for discovery requests. Discovery requests must be made far enough in advance of this deadline to allow completion of the discovery by the deadline date.
8. Disclosure of Experts:
 - a. **Plaintiff** must disclose the experts intended to be called at trial on or before **August 21, 2025**.
 - b. **Defendant** must disclose the experts intended to be called at trial on or before **September 18, 2025**.
 - c. **Plaintiff** must disclose rebuttal experts intended to be called at trial on or before **October 2, 2025**.
 - d. **ALL** discovery relevant to experts must be completed by: **November 6, 2025**.

9. Scheduling of Trial and Pretrial Conference. Plaintiff's counsel must contact courtroom deputy **Amy Tate** within one week following the entry of a decision on all pending dispositive motions to make arrangements for a telephonic trial setting conference with the Court to set pre-trial and trial deadlines. If no dispositive motion is filed, Plaintiff's counsel must immediately contact the courtroom deputy within one week of the dispositive motion filing deadline to set a telephonic trial setting conference.
10. Law Clerk: The law clerk assigned to this case is **Lauri Thompson**, and may be reached at (208) 334-9403. If this case is later reassigned or referred to another judge, consult the Judges' webpage³ for the judges' staff directory.
11. Discovery Disputes:
 - a. The parties will strictly comply with the meet and confer requirements of Local Rule 37.1 prior to filing any discovery motions.
 - b. The parties are to refer to the Judge's web page⁴ for specific instructions regarding how the Judge handles discovery disputes.
 - c. Prior to filing any discovery motions, counsel must certify, not only that they have complied with Local Rule 37.1, but that they have complied with the Judge's discovery dispute procedures.

³ <http://id.uscourts.gov/district/judges/Welcome.cfm>

⁴ <http://id.uscourts.gov/district/judges/Welcome.cfm>

12. The Court will conduct a **status conference** with the parties **on October 7, 2025 at 9:30 a.m. Mountain Time** for the purpose of inquiring about the status of discovery and addressing any other matters as necessary. All Status conferences will be set in-person initially. The parties may jointly agree to hold the status conference by zoom and, if so, must advise Ms. Tate at least seven days prior. Additional status conferences may be set by the Court at a later time.
13. Calendaring Clerk: Scheduling matters and calendar issues may be directed to **Amy Tate**, who may be reached at (208) 334-9387. If the case is later reassigned or referred, please consult the [Judges' web](#) page for a staff directory.
14. Docketing Clerk: If you have a docketing or filing question, please contact a [docket clerk](#)⁵ at (208) 334-1361.



DATED: March 24, 2025

A handwritten signature in black ink, appearing to read "Debora K. Grasham".

Honorable Debora K. Grasham
United States Magistrate Judge

⁵ The Clerk's office staff directory may be found on the Court's webpage:
http://id.uscourts.gov/district/attorneys/DocketingCourtroom_Dep.cfm