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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DO NO HARM et al.

Plaintiffs,

v.

REGENTS OF THE UNIVERSITY
OF CALIFORNIA et al.,

Defendants.

Case No. 2:25-cv-4131-JWH-JDE

Joint Rule 26(f) Report

**Scheduling Conference:
October 17, 2025**

1 Per this Court's August 28 order (ECF No. 58), and following the conference of coun-
2 sel required by Fed R. Civ. P. 16(b) and 26(f), the parties jointly submit this Rule 26(f)
3 report. The following represent the parties' preliminary statements and positions,
4 which the parties reserve the right to update as the case develops, including after De-
5 fendants' pending motion to dismiss (ECF No. 57) is resolved.

7 **1. Statement of the Case:**

8 Plaintiffs' statement: Plaintiffs allege that the David Geffen School of Medicine
9 is considering race in admissions. They are suing various institutional and individual
10 defendants for declaratory relief, injunctive relief, and damages under the Fourteenth
11 Amendment (U.S. Const. amend. XIV, §1); Title VI (42 U.S.C. §2000d); the Civil Rights
12 Act of 1866 (42 U.S.C. §1981); and the Unruh Civil Rights Act (Cal. Civ. Code §52).
13 They also seek class certification.

14 Defendants' statement: As explained in Defendants' pending motion to dismiss
15 (ECF No. 57), applications to the David Geffen School of Medicine at UCLA
16 ("DGSOM") are—and always have been—reviewed on a holistic and race-neutral ba-
17 sis. Defendants therefore generally deny Plaintiff's allegations, deny any wrongdoing
18 or that they are liable to Plaintiffs in any way, and deny that Plaintiffs (or the putative
19 class they purport to represent) are entitled to any damages or injunctive relief.

22 **2. Subject Matter Jurisdiction:**

23 This Court has statutory jurisdiction under 28 U.S.C. §1331, §1343 & §1367(a).
24 Defendants contend that neither associational plaintiff has standing to sue. Defendants
25 also dispute Plaintiffs' standing with respect to certain remedies.
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3. Legal Issues:

- Whether Plaintiffs have standing to sue.
- Whether Plaintiffs meet the requirements for class certification under the applicable Federal Rules of Civil Procedure.
- Whether Plaintiffs can establish a claim against Defendants Frenk, Block, and Lucero for violation of the Fourteenth Amendment's Equal Protection Clause.
- Whether Plaintiffs can establish a claim against Defendant the Regents for violation of Title VI.
- Whether Plaintiffs can establish a claim against Defendants Frenk, Block, and Lucero for violation of Section 1981.
- Whether Plaintiffs can establish a claim against Defendants Block and Lucero for violation of the Unruh Act.
- Whether Defendants are entitled to qualified immunity.
- Whether Plaintiffs are entitled to injunctive relief.
- Whether Plaintiffs are entitled to damages and, if so, what kinds and how much.
- Whether any party is entitled to recover attorneys' fees and/or costs.

4. **Parties, Evidence, etc.:** Plaintiffs are Do No Harm; Students for Fair Admissions; and Kelly Mahoney, individually and on behalf of others similarly situated. Defendants are Regents of the University of California, Julio Frenk, Gene Block, and Jennifer Lucero.

Plaintiffs' statement: Based on currently available information, Plaintiffs anticipate that the following individuals will be witnesses in this case:

- a. Regents of the University of California, Defendant.

- b. Gene Block, Defendant & former UCLA chancellor.
- c. Julio Frenk, Defendant & UCLA chancellor.
- d. Steven Dubinett, Dean, David Geffen School of Medicine at UCLA.
- e. Jennifer Lucero, Defendant & Associate Dean for Admissions, David Geffen School of Medicine at UCLA.
- f. Alisa Lopez, Executive Director of Admissions, David Geffen School of Medicine at UCLA.
- g. Travis McAllister, Admissions Operations & Data Manager, David Geffen School of Medicine at UCLA.
- h. Geovani Ibarra, Admissions Coordinator, David Geffen School of Medicine at UCLA.
- i. Cindy Chan, Admissions Engagement Coordinator, David Geffen School of Medicine at UCLA.
- j. Kathya Iraheta, Admissions and Outreach Assistant, David Geffen School of Medicine at UCLA.
- k. Past and present faculty members of the Admissions Committee, David Geffen School of Medicine at UCLA. Their identities are currently unknown to Plaintiffs.
- l. Past and present members of the Admissions Policy and Oversight Committee, David Geffen School of Medicine at UCLA. The current members include Alice Kuo, Russell Buhr, Manuel Celedon, Gary Holland, Carolyn Houser, Christine Myo Bui, Faysal Saab, and Gregory Payne.
- m. Association of American Medical Colleges.
- n. Kelly Mahoney, Plaintiff.

Plaintiffs anticipate that Defendants' documents, databases, notes, communications, and all other records relating to DGSOM's admissions policies, practices, and decisions will be relevant to the issues in this case. Plaintiffs contend that Defendants'

1 planned discovery into “the organizational structure and governance of Plaintiffs Do
2 No Harm and SFFA” goes to a defense that the Supreme Court unanimously rejected
3 in *SFFA v. Harvard*, 600 U.S. 181, 198-201 (2023); Plaintiffs thus reserve the right to
4 seek all appropriate relief, including sanctions, if it receives any such requests.

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6 Defendants’ statement: Defendants contend that Plaintiffs’ list of potentially rel-
7 evant witnesses is premature, overbroad, and cumulative. Defendants may call the fol-
8 lowing witnesses: (i) representatives from DGSOM with knowledge about the claims
9 and defenses at issue, if any; (ii) Plaintiff Kelly Mahoney and (iii) if Plaintiffs Do No
10 Harm and SFFA are not dismissed from the case for lack of standing, the individual
11 members of each organization as identified in Plaintiffs’ First Amended Complaint as
12 well as any representatives from Plaintiffs Do No Harm and SFFA with knowledge
13 about the claims and defenses at issue. Defendants anticipate that the following cate-
14 gories of documents may be relevant: (i) documents describing the mission and goals
15 of DGSOM; (ii) documents describing DGSOM’s recruitment and outreach policies
16 and procedures; (iii) documents describing DGSOM’s admissions policies and proce-
17 dures; (iv) data relating to applicants to and matriculated students at DGSOM; (v) doc-
18 uments sufficient to refute the allegations in the Complaint; (vi) documents sufficient
19 to demonstrate that DGSOM’s admissions policies, procedures, and practices comply
20 with Title VI of the Civil Rights Act, 42 U.S.C. §§ 1981, 1983, and California’s Unruh
21 Civil Rights Act; (vii) documents relating to Plaintiff Mahoney’s prior application(s) to
22 DGSOM and her qualifications to apply for admission to DGSOM; and (viii) docu-
23 ments relating to the organizational structure and governance of Plaintiffs Do No Harm
24 and SFFA; and (ix) documents relating to the members of Plaintiffs Do No Harm and
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1 SFFA described in Plaintiffs First Amended Complaint, and the qualifications of those
2 individuals to apply for admission to DGSOM.

3 **5. Damages:** Do No Harm and SFFA seek nominal damages and attorney's
4 fees, costs, and expenses. Mahoney seeks compensatory, punitive, statutory, and nom-
5 inal damages and attorney's fees, costs, and expenses—both individually and on behalf
6 of others similarly situated. The following computations are provided based on infor-
7 mation currently available to Plaintiffs.
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- 10 • **Application fees.** Mahoney seeks, on behalf of herself and the proposed
11 class, damages equivalent to a refund of the costs incurred while applying to
12 DGSOM—including at least the fee paid to the Association of American
13 Medical Colleges to submit a primary application to DGSOM (\$175 for the
14 first designated school and \$46 subsequently designated schools); the fee paid
15 to take the PREview Exam required by DGSOM (\$100); and the fee paid to
16 submit a secondary application to DGSOM (\$95).
 - 17 • **Compensatory damages.** Mahoney seeks, on her own behalf only, compen-
18 satory damages based on her inability to attend DGSOM based on race in an
19 amount to be proven at trial.
 - 20 • **Statutory damages.** Mahoney seeks, on behalf of herself and the proposed
21 class, statutory damages under the Unruh Act of not less than \$4,000 for
22 “each and every offense.” Cal. Civ. Code 52(a).
 - 23 • **Punitive damages.** Mahoney seeks, on behalf of herself and the proposed
24 class, punitive damages in an amount to be proven at trial.

25 Defendants state that they are not liable for any of Plaintiffs' claims, and therefore
26 Plaintiffs will not be entitled to any measure of damages. Even if Defendants are found
27 to be liable on any of Plaintiffs' claims, Plaintiffs are not entitled to any damages because
28 they have not suffered any compensable monetary losses as a result of Defendants'
conduct. For the reasons explained in Defendants' pending motion to dismiss (ECF

No. 57), punitive damages are unavailable as a matter of law. Defendants do not claim any monetary damages in this case apart from the recovery of their reasonable attorneys' fees and costs.

6. Insurance:

Plaintiffs state that there are no insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment against Plaintiffs in this action. Defendants are investigating whether an insurance business may be liable to satisfy all or part of the possible judgment in this action or to indemnify or reimburse for payments made to satisfy any such judgment and will make available for inspection the relevant parts of any insurance agreement meeting such conditions, as appropriate, following the entry of a mutually agreeable protective order.

7. Motions:

Plaintiffs' statement: Mahoney plans to move for class certification after the close of expert discovery. Plaintiffs reserve the right to file amended or supplemental complaints to add other class representatives, as well as other appropriate amendments.

Defendants' statement: Defendants do not currently anticipate filing motions seeking to add parties or claims. As explained in Defendants' pending motion to dismiss (ECF No. 57), the class allegations are facially deficient and should be stricken. If such allegations survive the pleading stage at all, Defendants believe the deadline for Plaintiff Mahoney to move for class certification should be well in advance of the close of discovery. Defendants also may file a motion to decertify any class that is certified in this case.

1 **8. Manual for Complex Litigation:** Plaintiff believes that, depending on
2 the case's progression, the relevant portions of the Manual concerning class actions
3 (Section 21) could become useful. Defendants do not believe that the procedures of
4 the Manual for Complex Litigation should be used in this case.

5 **9. Status of Discovery:** The parties plan to submit a stipulated protective
6 order and ESI protocol for this Court's approval. Plaintiffs believe that at least some
7 discovery should begin before the Court rules on Defendants' partial motion to dismiss
8 because, even in the unlikely event that the motion were granted in full, the remainder
9 of the case (Mahoney's claims and requests for declaratory, injunctive, and monetary
10 relief) would require substantial discovery into DGSOM's admissions practices and pol-
11 icies. Defendants believe that discovery—including the exchange of initial disclo-
12 sures—should not commence until Defendants' pending motion to dismiss (ECF No.
13 57) is resolved, since the resolution of such motion will necessarily affect (and may
14 narrow substantially) the scope of discovery. This dispute notwithstanding, the parties
15 will exchange initial disclosures no later than October 6, 2025, recognizing, however,
16 that the Court's resolution of the motion to dismiss could require the parties to amend
17 those disclosures.

18 **10. Discovery Plan:**
19 Plaintiffs' statement: Plaintiffs will seek discovery into DGSOM's admissions
20 practices and policies; information regarding its applicants, admits, and matriculants;
21 and any related communications by Defendants and DGSOM's admissions personnel.

22 Plaintiffs plan to depose Defendants and DGSOM's admissions personnel re-
23 garding DGSOM's admissions policies and practices. Plaintiffs also plan to seek
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1 discovery to support class certification. Plaintiffs also plan to seek third-party discovery
2 from the Association of American Medical Colleges.

3 Plaintiffs do not believe that a phased discovery that bifurcates class discovery
4 and merits discovery would be appropriate or efficient. Class discovery will necessarily
5 and substantially overlap with merits discovery as both will seek evidence regarding
6 DGSOM's admissions practices and policies.
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8 Plaintiffs believe that the nature of this case requires altering the presumptive
9 limitations to discovery contemplated by the Federal Rules of Civil Procedure. Each
10 year, DGSOM accepts between 11,000 and 14,000 applications. DGSOM's admissions
11 office has at least six employees. *See* Geffen, *MD Admissions Staff*, perma.cc/MLT9-
12 J3H7. DGSOM's admissions committee—which reviews applicants, conducts inter-
13 views, deliberates on applicants, and makes admissions decisions—has approximately
14 20-30 faculty members in a given year. Am. Comp. ¶30. And DGSOM's admissions
15 policy and oversight committee has seven voting members. *See* Geffen, *Admissions Policy*
16 *and Oversight Committee*, perma.cc/SYZ7-LL47. Plaintiffs currently estimate that they will
17 need at least 30 depositions to uncover relevant evidence about DGSOM's admissions
18 process, practices, and personnel. Plaintiffs reserve the right to seek additional deposi-
19 tions and other discovery.
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22 Defendants' statement: As noted above, Defendants' position is that no discov-
23 ery should commence until after the decision on the motion to dismiss. Otherwise,
24 Defendants state that Plaintiffs' proposed discovery plan is premature, substantially
25 overbroad, and cumulative, including and in particular Plaintiffs' position that 30 dep-
26 ositions are needed, three times the default limitation set by the federal rules.
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Defendants believe the default limitations on discovery defined by the Federal Rules of Civil Procedure should apply here—including and in particular the 10-deposition limit provided for by Rule 30(a)(2)(A)(i). Defendants are willing to meet and confer with Plaintiffs in good faith once the motion to dismiss is resolved, the parties have revised their initial disclosures as appropriate, and the parties are in a position to evaluate the contours of discovery and whether adjustments to the default limitations are appropriate. But it is premature to do so at this early stage of the litigation, in particular to the degree Plaintiffs are suggesting.

While Defendants do not believe discovery needs to be formally phased or bifurcated, Defendants' position is that class certification should be resolved early in the case, as whether the case will proceed as a class action will necessarily impact, among other things, the scope of merits discovery and the availability of monetary damages.

11. Discovery Cut-Off: The parties propose a discovery cut-off date of January 15, 2027, including expert discovery and the resolution of all discovery motions.

12. Expert Discovery: The parties propose an initial expert disclosure deadline of October 16, 2026, and a rebuttal expert disclosure deadline of December 18, 2026.

13. Dispositive Motions:
Plaintiffs' statement: Plaintiffs believe the issue of standing could be decided before trial on a motion for partial summary judgment. *See, e.g., SFFA v. U.S. Naval Acad.*, 2024 WL 4057002 (D. Md. Sept. 5) (granting partial summary judgment on associational standing prior to bench trial). Plaintiffs also reserve the right to move for summary

1 judgment on Defendants' liability under the Equal Protection Clause, Title VI, §1981,
2 and the Unruh Civil Rights Act.

3 Defendants' statement: For the reasons stated in their pending motion to dismiss
4 (ECF No. 57), Defendants contend that Plaintiffs Do No Harm and SFFA have not
5 sufficiently alleged associational standing and their claims should therefore be dis-
6 missed. Defendants reserve the right to move for summary judgment after discovery
7 on any claims that survive the pleading stage.
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9 **14. Settlement/Alternative Dispute Resolution (ADR):** The parties have
10 not discussed settlement. To the extent the parties engage in settlement discussions,
11 they propose mediation by a private mediator.
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13 **15. Trial Estimate:**

14 Plaintiffs' statement: Plaintiffs have demanded a jury trial on all issues so triable.
15 Based on current information, Plaintiffs estimate the jury trial to take approximately 15
16 days, plus one day for jury selection. By way of comparison, the trials in other cases
17 involving race-based admissions—which were bench trials, were not class actions, and
18 sought only injunctive relief—took 8 to 15 days. *See SFFA v. Harvard*, No. 14-cv-14176
19 (D. Mass) (15 days); *SFFA v. U.S. Naval Acad.*, No. 23-cv-2699 (D. Md.) (9 days); *SFFA*
20 *v. UNC*, No. 14-cv-954 (M.D.N.C.) (8 days). The liability-phase of the class-action trial
21 in *Grutter v. Bollinger* was 15 days. *See* 137 F. Supp. 2d 821, 823-24 (E.D. Mich. 2001).
22 Plaintiffs currently do not have an estimate as to the number of witnesses they might
23 call. By way of comparison, SFFA's witness list in *Harvard* included 22 fact witnesses
24 and 3 experts. *See SFFA v. Harvard*, No. 14-cv-14176 (D. Mass) (Doc. 570-1).
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1 Defendants' statement: As noted above, Defendants contend that Plaintiffs' list
2 of potentially relevant witnesses is overbroad and cumulative. Defendants reserve an
3 estimate on the number of necessary trial days until the resolution of the motion to
4 dismiss, which, as noted, may substantially narrow the scope of the case. If the motion
5 to dismiss is denied in its entirety, Defendants presently estimate the trial to require no
6 more than 10 court days.

8 **16. Trial Counsel:**

9 For Plaintiffs, Patrick Strawbridge and Adam Mortara will be co-lead trial coun-
10 sel. For Defendants, Felicia Ellsworth and Debo Adegbile will be co-lead trial counsel.

11 **17. Independent Expert or Master:** The parties do not currently believe
12 that the Court should or would need to appoint an independent master or scientific
13 expert.

14 **18. Timetable:** The parties attach the schedule of pretrial and trial dates
15 worksheet to this joint Rule 26(f) report as Exhibit A. In addition to the dates listed in
16 Exhibit A, the parties agree that the deadline for Plaintiffs to submit their motion for
17 class certification should be set 90 days before the close of discovery.

18 **19. Amending Pleadings and Adding Parties:**

19 Plaintiffs' statement: Plaintiffs anticipate that amended or supplemental com-
20 plaint(s) may become necessary to add allegations about other class representatives or
21 otherwise. Plaintiffs will either seek Defendants' stipulation or this Court's leave if such
22 amendments become appropriate. Plaintiffs also reserve the right to add additional de-
23 fendants.
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1 Defendants' statement: Defendants have not yet filed an answer and will do so
2 when and if they are required to under the Federal Rules of Civil Procedure. Defend-
3 ants do not anticipate adding parties at this time. Defendants disagree that there is a
4 basis for Plaintiffs to amend or supplement the First Amended Complaint.
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6 **20. Other Issues:** The parties in this action agree to coordinate with the
7 plaintiffs in *Students Against Racial Discrimination v. Regents of the University of California*, Case
8 No. 25-cv-00192 (C.D. Cal.), to avoid duplicative discovery into DGSOM.

9 **21. Consent to Proceed Before Magistrate Judge:** The parties do not con-
10 sent to proceed before a magistrate judge.
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1 Dated: September 30, 2025

Respectfully submitted,

2 /s/ Felicia H. Ellsworth

/s/ Cameron T. Norris

3 **WILMER CUTLER PICKERING**
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Local Counsel for Plaintiffs

ATTESTATION

Per Local Rule 5-4.3.4(a)(2)(i), I certify that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

/s/ Cameron T. Norris

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#479
EXHIBIT A: SCHEDULE OF PRETRIAL AND TRIAL DATES
WORKSHEET

Case No.:	2:25-CV-04131-JWH-JDE		
Case Name:	Do No Harm et al. v. Regents of the Univ. of Cal. et al.		
<u>Event</u>	Plaintiff's Request <u>month/day/year</u>	Defendant's Request <u>month/day/year</u>	Court's <u>Order</u>
☒ Jury Trial or ☐ Bench Trial (Monday at 9:00 a.m.) Length: ___ days	06/28/2027 15 days	06/28/2027 10 days	
Final Pretrial Conference [L.R. 16] (Friday-17 days before trial date)	06/11/2027	06/11/2027	
Hearing on Motions <i>in Limine</i> (Friday-7 days before Final PTC)	06/04/2027	06/04/2027	
Last Date to Hear Non-Discovery Motions	04/16/2027	04/16/2027	
Last Date to Conduct Settlement Conference	06/04/2027	06/04/2027	
All Discovery Cut-Off (including hearing all discovery motions)	01/15/2027	01/15/2027	
Expert Disclosure (Rebuttal)	12/18/2026	12/18/2026	
Expert Disclosure (Initial)	10/16/2026	10/16/2026	

ADR [L.R. 16-15] Settlement Choice:

- ☐ Attorney Settlement Officer Panel
- ☒ Private Mediation
- ☐ Magistrate Judge