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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

Judge Dee Benson

Plaintiffs and Defendants have agreed to extend the dates in the Attorneys' Planning Meeting Report (the "Report") filed on November 9, 2005 to fit the schedule set forth below. The motion (docket no. 30) is GRANTED. The parties are awaiting the calling of Special Session of the Utah Legislature until proceeding with this case under the belief that further legislative action in 2006 may materially change the statutes at issue, and therefore the course of discovery and other matters in this litigation. Except for the dates set for amending the pleadings and joining additional parties, which are being amended in light of the possibility of material alterations to the statutes at issue, no date hereinafter altered has yet expired. The parties further agree that this Court's Order

entered on November 28, 2005, whereby Defendant agrees not to enforce certain provisions of House Bill 260 without giving 30 days notice to Plaintiffs, shall continue to have effect throughout this litigation. Finally, the Defendant agrees to withdraw its Motion to Dismiss with leave to re-file at some time following a Special Session of the Utah Legislature in 2006. The court hereby enters the following Order.

ORDER

This Court hereby orders that the Order of Non-enforcement entered on November 28, 2005 shall continue to control throughout this litigation and that the dates relating to the Plaintiffs' Response to Defendant's Motion to Dismiss and the dates in the Attorney's Planning Report filed on November 9, 2005 be amended as follows:

1. **MOTION TO DISMISS:** Plaintiffs' response to Defendant's Motion to Dismiss was to be filed by March 30, 2006, but Defendant has agreed to withdraw the motion with leave to re-file at a date subsequent to a 2006 Special Summer Session of the Utah Legislature.
2. **DISCOVERY PLAN:** The parties jointly propose to the court the following discovery plan (the "Plan"):
 - a. All fact discovery, including without limitation oral depositions, originally set to be completed by April 14, 2006, shall be completed by October 16, 2006. All written discovery shall be served so as to conform with this deadline.
 - b. Each "side" may serve upon any other side written interrogatories not exceeding 100 in number including all discrete subparts. Responses are due as set forth in Rule 33.
 - c. Each "side" may take up to 10 depositions, including expert witnesses. The depositions, including the scope, duration, and notice requirements, are governed by the Rules.

- d. On any issue in which any party has the burden of proof, reports of experts retained by that Party set to be submitted by May 5, 2006, shall be submitted by November 3, 2006.
- e. Opposition expert reports set to be served by May 15, 2006, shall be served by November 15, 2006.
- f. Rebuttal fact discovery on issues raised in opposition expert reports or in expert depositions set to be concluded by July 17, 2006, shall be concluded by January 17, 2007 and all such discovery shall be served to conform with this deadline.
- g. All expert depositions set to be concluded by August 10, 2006, shall be concluded by February 9, 2007.
- h. Supplementations under Rule 26(e) set to be due by August 15, 2006, shall be due by February 16, 2007.

3. OTHER ITEMS:

- a. An attorney conference set to be held on or before December 7, 2006, shall be held on or before June 29, 2007.
- b. The final pretrial conference set for December 20, 2006, shall be held on July 17, 2007 at 2:30 pm
- c. The cutoff date for joining additional parties set for March 1, 2006, shall be set for August 1, 2006.
- d. The cutoff date for amending pleadings set for March 15, 2006, shall be set for August 15, 2006.
- e. The cutoff date for filing dispositive or potentially dispositive motions set for August 31, 2006, shall be set for February 28, 2007.
- f. The potential for settlement which could not be evaluated prior to April 25, 2006, shall be instead not be evaluated before September 25, 2006.
- g. The potential for resolution of this matter through the Court's alternative dispute resolution program which could not be evaluated prior

to April 25, 2006 (either by arbitration or mediation), shall instead not be evaluated before September 25, 2006.

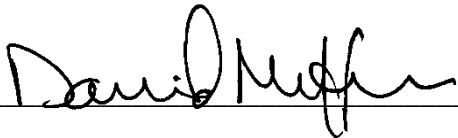
h. Final lists of witnesses and exhibits pursuant to Rule 26(a)(3) set to be due by Plaintiffs on November 9, 2006, and by Defendants on November 23, 2006, shall be due by Plaintiffs on April 9, 2007 and by Defendants on April 23, 2007.

i. The parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

j. Trial is set for July 30, 2007 at 8:30 am

k. The estimated length of the bench trial is 9 days.

DATED this 6th day of April, 2006.

A handwritten signature in black ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer, U.S. Magistrate Judge

AGREED AS TO FORM

HOWREY LLP

BY: _____

Zachary J. Weyher
Attorneys for Plaintiffs

UTAH ATTORNEY GENERAL'S OFFICE

BY: _____

Jerrold Jensen
Attorneys for Defendants