

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOHN DOE, *et al.*,

Plaintiffs,

vs.

Civil Action 2:08-CV-575  
Judge Frost  
Magistrate Judge King

MOUNT VERNON CITY SCHOOL  
BOARD OF EDUCATION, *et al.*,

Defendants.

PRELIMINARY PRETRIAL ORDER

A preliminary pretrial conference was held, by telephone, on October 8, 2008. All parties were represented.

Plaintiffs, parents of a minor child in the Mount Vernon City School District, bring this action for declaratory, monetary and injunctive relief under 42 U.S.C. §1983 in connection with the alleged violations by defendant Freshwater of the Establishment Clause of the First Amendment. Plaintiffs also allege a retaliation claim for the exercise of plaintiffs' First Amendment rights, as well as supplemental state law claims of battery and negligent supervision and retention.

Defendant Freshwater asserts counterclaims against plaintiffs for defamation and intentional infliction of emotional distress.

There is a jury demand.

The Court has subject matter jurisdiction under 28 U.S.C. §1343 and supplemental jurisdiction under 28 U.S.C. §1367.

The Court has personal jurisdiction over the parties and venue is proper.

Motions addressing the parties or pleadings may be filed, if at all, by January 31, 2009.

The parties will make their Rule 26(a)(1) disclosures by December 5, 2008.

Discovery may raise privacy issues and/or issues under FERPA, 20

U.S.C. §1232g, O.R.C. §3319.321 and the Court's own *Electronic Filing Policies and Procedures Manual*.<sup>1</sup> Counsel for the Mt. Vernon defendants will draft a protective order by October 22, 2008, to which other counsel will respond by October 29, 2008. The Court will expect the submission of an agreed proposed order by November 7, 2008.

Disclosures relating to primary experts must be made by August 1, 2009. Responsive disclosures must be made by September 15, 2009. If the expert is specially retained, the disclosures must conform to F.R. Civ. P. 26(a)(2), unless otherwise agreed to by the parties or ordered by the Court. If the expert is not specially retained, the party must provide (1) the identity of the expert, (2) an articulation of the substance of the testimony expected to be provided by the expert and (3) the bases of any opinion expected to be offered by the expert.

All discovery must be completed by October 15, 2009. The parties are advised that the discovery completion date requires that discovery requests be made sufficiently in advance to permit timely response by that date.

Motions for summary judgment may be filed no later than November 15, 2009.

This case will be available for final pretrial conference in February 2010, or as soon thereafter as the Court's calendar permits.

This case will be referred to the March 2009 Settlement Week.

If any date set herein falls on a weekend or legal holiday, the date of the next business day will control.

October 9, 2008

*s/Norah McCann King*  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge

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<sup>1</sup>The manual can be found on the Court's website.