

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS

Contreras et al)	
Plaintiff(s),)	1:21-cv-03139
v.)	Magistrate Judge Beth W. Jantz
)	
Illinois State Board of Elections et al)	
Defendant(s),)	

ORDER

Telephonic status conference on discovery held on 9/7/21 and continued to 10/7/21 at 9:00 a.m. To join the status conference by phone, dial 888-273-3658 and enter access code 2217918. Members of the public and media will be able to call in to listen to this hearing as well. For a full list of discovery rulings and due dates, please see below. Additional hearings regarding discovery will be set if/when developments warrant.

STATEMENT

Telephonic status conference on discovery held on 9/7/21 and continued to 10/7/21 at 9:00 a.m. Both sets of Plaintiffs and the Legislative Defendants confirmed in open court that a trial in late November or early December 2021 would make sense, subject to the three-Judge panel’s availability. Given the panel’s guidance in its 9/2/21 order [Case No. 21-3091 dkt. 94; Case No. 21-3130 dkt. 72], the recent legislative developments discussed during the 9/1/21 status conference before the panel, the necessarily expedited schedule in these cases, and after due consideration of the parties’ arguments, the Court rules as follows as to discovery:

Fact discovery on the operative complaints has closed, and the parties report that some previously ordered supplementation by the Legislative Defendants has been produced only in letter format. As discussed in open court, the Legislative Defendants are given until 9/10/21 to issue their formal supplemental discovery responses incorporating that information. The Legislative Defendants are also given until 9/10/21 to make their supplemental production from their updated software. [See Case No. 21-3091, dkt. 85 at p.9.] The Legislative Defendants represented in open court that they have otherwise complied with this Court’s prior discovery rulings in all other respects. [See Case No. 21-3091 dkt. 75, 85; Case No. 21-3130 dkt. 53, 60.]

Opening expert reports and supporting materials were timely exchanged on 8/25/21 in both cases; expert discovery was stayed prior to any expert depositions. Given the summary judgment briefing schedule set by the panel, to the extent that the Legislative Defendants rely on expert opinions in their opposition to the pending motions for summary judgment, Plaintiffs are given leave until 9/14/21 to depose the expert(s) as to those opinion(s). Accordingly, and as discussed in open court, the Legislative Defendants are to promptly confirm their expert(s)’ availability for deposition on either 9/13/21 or 9/14/21, in case Plaintiffs choose to take such a deposition(s). Likewise, the Legislative Defendants are given leave to depose the McConchie Plaintiffs’ expert (Dr. Chen), upon whose opinions they rely in part in their pending summary judgment motion. Accordingly,

and as also discussed in open court, the McConchie Plaintiffs are to promptly confirm Dr. Chen's availability for deposition on 9/9/21, in case the Legislative Defendants choose to take his deposition as to those opinions.

Plaintiffs were previously directed by the panel to file an amended complaint(s) by 10/1/21. [Case No. 21-3091 dkt. 94; Case No. 21-3130 dkt. 72.] In anticipation of that development, further fact discovery will be allowed in the following three phased waves: **(1)** expedited discovery "with the objective of clarifying the legal challenges to and defenses of the new map by the 10/1/21 deadline for filing an amended complaint" [*id.* ¶ 4], **(2)** expedited discovery to issue upon the filing of any amended complaints and corresponding answers, and **(3)** any other appropriate discovery.

The McConchie Plaintiffs are given leave to issue an additional 16 interrogatories (for a total of 37), and the Contreras Plaintiffs are given leave to issue an additional 20 interrogatories (for a total of 37), and both sets of Plaintiffs are given leave to issue additional requests for production and/or requests for admission that are reasonable in the circumstances and proportional to the needs of the case. Up to one quarter of each set of Plaintiffs' additional discovery requests may be issued in **Category No. 1** above; up to one quarter of each set of Plaintiffs' additional discovery requests may be in issued in **Category No. 2**; and the remaining halves of Plaintiffs' discovery allotments are reserved for **Category No. 3**, with the following timeframes.

As to **Category No. 1**, the following deadlines are set: Plaintiffs' allotted discovery requests to issue by 9/13/21, and the Legislative Defendants' responses are due by 9/20/21. Any motions to compel as to this set of expedited discovery shall be due by noon CT on 9/24/21, and must contain a recitation of the parties' thorough efforts to meet and confer in good faith. Responses to any such motions shall be due by noon CT on 9/27/21.

As to **Category No. 2**, the Legislative Defendants may issue any discovery requests within five days of the filing of any amended complaints, Plaintiffs may issue their allotted discovery requests within five days of the filing of Defendants' answers, and all such requests shall be responded to within five days of service. Any motions to compel as to these sets of discovery shall be due within five days of receipt of the responses, and must contain a recitation of the parties' thorough efforts to meet and confer in good faith. For this category, the Legislative Defendants are allotted up to five interrogatories and any additional requests for production and/or requests for admission that are reasonable in the circumstances and proportional to the needs of the case.

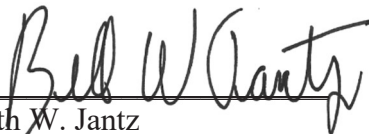
As to **Category No. 3**, *all parties may issue* discovery requests by 9/17/21, and responses to such requests are due by 10/5/21. Any motions to compel as to these sets of discovery shall be due by noon CT on 10/8/21, and must contain a recitation of the parties' thorough efforts to meet and confer in good faith. Responses to any such motions shall be due by noon CT on 10/12/21.

As discussed in open court, counsel must make themselves available to engage in meet and confer conversations in any of these discovery waves within 48 hours of a request for such a conversation; delay past this timeframe will be construed as non-opposition to the discovery requests(s). Additionally as discussed in open court, efforts to meet and confer must be conducted in good faith and must occur by phone or video; emails or letters alone will not suffice. The parties are reminded that any discovery-related motion or response that does not reflect good faith efforts to reach an

accord is subject to being summarily denied.

As to expert discovery on any forthcoming amended complaints, the following expert discovery schedule is set: opening expert reports and supporting materials are to be exchanged no later than 10/22/21, rebuttal reports and supporting materials are to be exchanged no later than 10/28/21, and all expert discovery is to be complete by 11/3/21. The parties must reserve now any anticipated experts so that they are available for deposition between 10/28/21 and 11/3/21.

Date: 09/08/2021


Beth W. Jantz
United States Magistrate Judge