

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF  
PENNSYLVANIA AND STATE OF NEW  
JERSEY,

Plaintiffs,

v.

DONALD J. TRUMP, ALEX M. AZAR II,  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,  
STEVEN T. MNUCHIN, UNITED  
STATES DEPARTMENT OF THE  
TREASURY, RENE ALEXANDER  
ACOSTA, THE UNITED STATES  
DEPARTMENT OF LABOR, AND THE  
UNITED STATES OF AMERICA,

Defendants,

LITTLE SISTERS OF THE POOR  
SAINTS PETER AND PAUL HOME,

Defendant-Intervenor.

CIVIL ACTION

NO. 17-4540

**SCHEDULING ORDER**

AND NOW, this 4th day of April, 2019, following a Preliminary Pretrial Conference, **IT IS ORDERED** as follows:

1. By May 1, 2019, Plaintiffs shall file either a motion to permit discovery, or a notification that no discovery is needed.
2. If the Court grants Plaintiffs' motion to permit discovery, the parties shall have ninety (90) days to engage in discovery, to commence from the date of the Court's order granting discovery.

3. If no discovery is needed, then the parties shall follow the following schedule for summary judgment:

- a. Plaintiffs shall file their motion for summary judgment on or before May 15, 2019.
- b. Defendant and Defendant-Intervenor shall file their responses and cross-motions for summary judgment on or before June 14, 2019.
- c. Plaintiffs shall file their reply and response to Defendant and Defendant-Intervenor's cross-motions on or before June 28, 2019.
- d. Defendants shall file their replies on or before July 12, 2019.

4. The parties' opening briefs on summary judgment motions may not exceed fifty (50) pages.

5. The parties shall submit courtesy copies of all briefing and exhibits in digital format.

6. In all summary judgment filings, the parties shall comply with the provisions of this Court's Policies and Procedures regarding the submission of a joint appendix and of statements of undisputed and disputed material facts.

- A. When one party intends to move for summary judgment, that party shall initiate a process whereby the parties shall meet, confer and develop a single, joint appendix of all exhibits, including any and all exhibits that may be referenced in their respective briefs.
- B. The joint appendix shall be filed by the movant no later than the date the initial motion for summary judgment is docketed. All pages of the joint appendix shall be consecutively "Bates stamped" and referenced in the motions and briefs by the Bates number assigned each page. The joint appendix shall include a table of contents. The parties shall make every effort to include all necessary exhibits in the initial joint appendix. Should it become necessary for the non-moving party to submit additional exhibits, however, it may do so at the time it files its opposition brief. Any addendum to the joint appendix shall be consecutively Bates stamped, beginning at the page number where

the joint appendix left off, and shall include a table of contents. Judge Beetlestone will not consider material not included in the appendix.

C. Statements of Facts

1. Upon motion for summary judgment, counsel shall also submit a separate Statement of Undisputed Material Facts containing a numbered, paragraph-by-paragraph recitation of facts with specific citations to the joint appendix in support of all of those facts as to which the moving party contends no genuine issue exists.
2. Counsel opposing a motion for summary judgment shall also submit a separate Statement of Disputed Material Facts, stating in similar paragraph form whether that party accepts or rejects that each fact as stated by the moving party is undisputed. If a party contends that a fact is in dispute, citation must be made to the joint appendix that supports the party's view that that particular fact is in dispute. The party should then list its own additional disputed facts in the same format with specific citations to the joint appendix.
3. Counsel for the moving party shall then submit—even if not filing a reply brief—a separate Reply Statement of Undisputed Material Facts stating in similar paragraph form whether that party accepts or rejects that each additional fact as stated by the opposing party is disputed. If a party contends that a fact is undisputed, citation must be made to the joint appendix that supports that party's view that the particular fact is undisputed.

7. For all filings submitted and conferences held pursuant to this scheduling order, and for all pretrial and trial proceedings referred to herein, counsel shall follow Judge Beetlestone's Policies and Procedures, a copy of which can be found online at [www.paed.uscourts.gov](http://www.paed.uscourts.gov).

**BY THE COURT:**

/s/ Wendy Beetlestone

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**WENDY BEETLESTONE, J.**