

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION; HENRY ATENCIO,
in his official capacity; JEFF
ZMUDA, in his official capacity;
HOWARD KEITH YORDY, in his
official and individual capacities;
CORIZON, INC.; SCOTT ELIASON;
MURRAY YOUNG; RICHARD
CRAIG; RONA SIEGERT;
CATHERINE WHINNERY; AND
DOES 1-15,

Defendants.

Case No. 1:17-cv-00151-BLW

**ORDER DENYING
DEFENDANTS' JOINT MOTION
TO STAY**

INTRODUCTION

Pending before the Court is a joint motion to stay filed by Defendants Corizon Inc., Scott Eliason, Murray Young, and Catherine Whinnery. Dkt. 214. For the following reasons, the Court will dismiss the motion as moot.

DISCUSSION

On August 23, 2019, the United States Court of Appeals for the Ninth Circuit affirmed the Court's December 13, 2018 order, holding Defendants violated Plaintiff's Eighth Amendment right to adequate and necessary medical treatment of her severe gender dysphoria by denying gender confirmation surgery. Dkt. 209. Shortly thereafter, Defendants filed a petition for rehearing *en banc*. Dkt. 211. Defendants' pending motion to stay was subsequently filed on September 30, 2019.

At that time, Defendants argued the Court should stay the litigation in this matter pending resolution of the appeal. Defendants asserted a stay was warranted because all of Plaintiff's claims were "inextricably intertwined with the issues raised by Defendants on appeal." Dkt. 214-1 at 2. On February 10, 2020, the Ninth Circuit issued a Final Order for Publication, indicating the matter failed to receive a majority of the votes of nonrecused active judges in favor of *en banc* consideration. Given the Ninth Circuit's order and August 23, 2019 decision, there are no longer any issues on appeal. Therefore, the Court finds Defendants' motion to stay moot.

Provided the foregoing, the Court set a status conference for February 21, 2020 at 11:30 a.m. Dkt. 262. The purpose of the conference is to discuss case management. Of relevance to the topic, on September 20, 2019, the parties filed a

joint proposed update to the discovery plan. Dkt. 213. The parties agreed to a discovery timeline running from the date of an order on Defendants' motion to stay. Flowing from the date of this Order, the proposed timeline is as follows:

- **Fact Discovery Cut-off:** 4 months after Court ruling on stay motion – June 11, 2020;
- **Plaintiff's Expert Disclosure:** 1 month after fact discovery cut-off – July 11, 2020;
- **Defendants' Expert Disclosure:** 6 weeks after Plaintiff's expert disclosure – August 25, 2020;
- **Rebuttal Expert Disclosure:** 3 weeks after defendants' expert disclosure – September 15, 2020;
- **Expert Discovery Cut-off:** 1 month after rebuttal expert disclosure – October 15, 2020;
- **Dispositive Motion Filing Deadline:** 1 month after expert discovery cut-off – November 15, 2020.

As is possible, the parties should meet and confer in advance of the February 21, 2020 conference to revisit this proposed timeline, reach agreement on remaining discovery topics, and discuss any other pertinent case-management issues.

IT IS SO ORDERED.



DATED: February 11, 2020

A handwritten signature in black ink that reads "B. Lynn Winmill".

B. Lynn Winmill
United States District Judge