

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

McConchie et al)	
Plaintiff(s),)	1:21-cv-03091
v.)	Magistrate Judge Beth W. Jantz
)	
Illinois State Board of Elections et al)	
Defendant(s),)	

ORDER

Telephonic status conference held on 10/26/21 and continued to 11/22/21 at 11:00 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. Additional deadlines and discussion are set out below. A further status with the three-judge panel remains set for 11/5/21, at 11:00 a.m., via a remote call-in format to be provided by the three-judge panel.

STATEMENT

Telephonic status conference held in Case No. 21-CV-3091 (*McConchie*), 21-CV-3139 (*Contreras*), and 21-CV-5512 (*East St. Louis Branch NAACP*) on 10/26/21. Plaintiffs in recently reassigned *East St. Louis Branch NAACP* affirm their agreement to abide by the schedule set for the other two cases.

As discussed in open court, the expert discovery and pretrial submissions schedule set out in this Court's 10/20/21 order [*McConchie* dkt. 132; *Contreras* dkt. 118] is stricken and replaced as follows. By agreement of the parties in all three cases, Plaintiffs' expert report(s) and supporting materials shall be due along with their submission regarding proposed revisions to the September Redistricting Plan on 11/8/21, and Defendants' expert report(s) and supporting materials shall be due along with their responses and objections to Plaintiffs' submissions on 11/18/21. Although the parties do not currently anticipate expert depositions, the issue will be revisited at the 11/22/21 status conference with the Magistrate Judge. Given the necessarily compressed schedule, the parties are directed to reserve time with their anticipated experts now for any depositions to occur between 11/29/21 and 12/1/21, if necessary. Any further pretrial submission and/or dispositive motion deadlines, if necessary, will be set at a later time.

The *Contreras* Plaintiffs' oral motion for leave to file a reply to Defendants' 11/18/21 submission is granted over the Legislative Defendants' objection. Any replies from any Plaintiffs' group shall be due on 11/22/21. The Legislative Defendants may re-raise their objection to the filing of any such reply with the three-judge panel during their 11/5/21 status hearing should they choose to do so.

Category Nos. 1 and 3 fact discovery have closed, and fact discovery had been set to close fully on 10/29/21. By agreement of the parties, the Legislative Defendants' deadline to respond to Category No. 2 discovery was extended to 10/26/21. The parties are to reserve time to meet

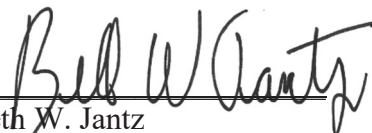
and confer as to any Category No. 2 disagreements by 10/29/21. Any motion to compel Category No. 2 discovery is due by **noon CT on 11/2/21**, and must contain a recitation of the parties' thorough efforts to meet and confer in good faith (by phone or video; email will not suffice). Responses to any such motion shall be due by **noon CT on 11/4/21**. These deadlines are firm if the parties want a decision by the first submission date of 11/8/21, and the non-moving party should be prepared to make any ordered productions over the weekend of 11/6/21 and 11/7/21, if so ordered.

The Contreras Plaintiffs report that they seek the fact depositions of two legislative staffers and two members of the Illinois General Assembly. The Legislative Defendants have agreed to present the legislative staffers, and those depositions are to take place at a mutually agreeable time between 11/2/21 and 11/5/21. The Legislative Defendants will respond by the close of business on 10/26/21 as to whether they may also accept service on behalf of the 2 Illinois General Assembly members. If so, those depositions shall also take place at a mutually agreeable time between 11/2/21 and 11/5/21. Accordingly, the close of fact discovery is extended to 11/5/21.

The East St. Louis Branch NAACP Plaintiffs have agreed with the Legislative Defendants that they will not seek additional discovery, in exchange for the Legislative Defendants' agreement to provide them with copies of all discovery that was/is being produced to the McConchie Plaintiffs and/or the Contreras Plaintiffs, and that the East St. Louis Branch NAACP Plaintiffs be permitted to participate in all fact depositions. Accordingly, the Legislative Defendants shall provide the East St. Louis Branch NAACP Plaintiffs with access to all previously produced discovery no later than by noon on 10/29/21, the East St. Louis Branch NAACP Plaintiffs will be able to participate in upcoming depositions, and appropriate team members for the Legislative Defendants shall make themselves available on the afternoon of 10/29/21 in case any technical issues arise with transmission of that discovery to the East St. Louis Branch NAACP Plaintiffs. Relatedly, all parties agree on the record that discovery produced or deposition testimony taken in one of these three cases or by one party shall be deemed produced or taken all of them.

The Illinois State Board of Election Defendants' oral motion to stay their response to the operative complaints in all three cases is granted without objection by any party. As discussed in open court, the Illinois State Board of Election Defendants are given until 10/29/21 to file a motion to withdraw their pending motions to dismiss [*McConchie* dkt. 126; *Contreras* dkt. 110, 111], if they choose to do so. In the event that the motions to dismiss are not withdrawn by 10/29/21, responses thereto shall be due by 11/12/21.

Date: 10/27/2021


Beth W. Jantz
United States Magistrate Judge