

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF INDIANA
 FORT WAYNE DIVISION

DIOCESE OF FORT WAYNE-SOUTH BEND,)
 INC., et al.,)

Plaintiffs,)

v.)

Case No. 1:12-CV-159 JD

KATHLEEN SEBELIUS, in her official capacity)
 as Secretary of the U.S. Department of Health and)
 Human Services, et al.,)

Defendants.)

ORDER

Having considered Plaintiffs and Defendants’ Joint Report Concerning Case Status and Agreed-Upon Schedule [DE 69], the Court LIFTS the stay and ADOPTS the following pretrial schedule:

<u>Due Date</u>	<u>Action</u>
Friday, September 6, 2013	Plaintiffs file any Amended Complaint and any Motion for Preliminary Injunction (leave granted to file 40 page brief ¹)
Friday, September 27, 2013	Defendants file Response to Plaintiffs’ Motion for Preliminary Injunction and Defendants’ to file any Answer or Motion to Dismiss and/or for Summary Judgment (leave granted to file 50 page brief)
Friday, October 11, 2013	Plaintiffs file Preliminary Injunction Reply, Response to Defendants’ Motion to Dismiss and/or for Summary Judgment, and any Cross-Motion for Summary Judgment (leave granted to file 60 page brief)
Friday, November 1, 2013	Defendants file Motion to Dismiss and/or for Summary Judgment Reply and Response to Plaintiffs’ Cross-Motion for Summary Judgment (leave granted to file 50 page brief)

¹Where this order grants leave to file an oversized brief, the brief shall comply with N.D. Ind. L.R. 7-1(e).

<u>Due Date</u>	<u>Action</u>
Friday, November 15, 2013	Plaintiffs file Cross-Motion for Summary Judgment Reply (leave granted to file 25 page brief)

Given the Plaintiffs' stated intention to file an Amended Complaint and the parties' agreement to allow Plaintiffs to do so, the Court DENIES WITH LEAVE TO RE-FILE the Defendants' Motion to Dismiss [DE 26] and Motion for Oral Argument on the Motion to Dismiss [DE 37]. Should no Amended Complaint be filed as represented, then the Court will consider whether reinstatement of those motions is appropriate.

SO ORDERED.

ENTERED: July 31, 2013

Judge

/s/ JON E. DEGILIO
United States District Court