

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

ELLEN MISHAGA,)	
)	
Plaintiff,)	No. 10-cv-03187-MPM-CHE
)	
v.)	
)	
JONATHON E. MONKEN, Director of)	
the Illinois Department of State Police,)	
)	
Defendant.)	
_____)	

JOINT PROPOSED DISCOVERY PLAN

Pursuant to Fed. R. Civ. P 26(f) and this Court’s December 20, 2010 order, a telephonic meeting was held on December 22, 2010, for the purpose of formulating a proposed discovery plan for consideration by the Court. At this meeting, Plaintiff was represented by James M. Manley and Defendant was represented by Assistant Attorney General Joanna Belle Gunderson. Counsel have agreed upon the following:

1. Parties will exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) by January 25, 2011.
2. The deadline for amendment of the pleadings is March 1, 2011.
3. The deadline for the joining of additional parties is March 1, 2011.
4. Plaintiff shall disclose experts and provide expert reports by April 1, 2011.
Plaintiff shall make any such experts available for deposition by May 1, 2011.

5. Defendant shall disclose experts and provide expert reports by June 1, 2011. Defendant shall make any such experts available for deposition by July 1, 2011.
6. All discovery, including depositions, is to be completed by August 1, 2011. Any written discovery served subsequent to the date of this Order is to be served by a date that allows the served party the full 30 days provided by the Federal Rules of Civil Procedure in which to comply before the discovery cutoff.
7. In general, the parties anticipate that discovery will be needed on the following subjects: the content of a set of laws, customs, practices, and policies enforced by Defendant, which relate to the possession of firearms in Illinois by non-residents, including those set forth in the Illinois Firearms Owner Identification Act.
8. Plaintiff shall file and serve a motion for summary judgment, if at all, no later than October 3, 2011. Defendant shall file and serve a cross-motion for summary judgment and response to Plaintiff's motion, if at all, within thirty days after October 3, 2011, or service of Plaintiff's motion, whichever is earlier. Plaintiff shall file and serve a response/reply, if at all, within thirty days after service of Defendant's cross-motion/response. Defendant shall file and serve a reply, if at all, within fifteen days after service of Plaintiff's response/reply. No other dispositive motions will be considered by the Court.
9. The parties have conferred with respect to electronically stored information. The parties will identify and preserve all reasonably accessible electronically stored information that is discoverable which includes, but is not limited to, calendars, emails, voice mails, documents of any sort, or backup tapes, which might be used as evidence in this case. Reasonable care will be made to preserve electronically

stored information that is not reasonably accessible but is not available elsewhere.

The parties have discussed the production of such electronically stored documents.

10. The parties have conferred with respect to issues about claims of privilege and protection of trial-preparation materials. The parties agree that production of privileged or protected materials without intent to waive privilege or protection will not constitute a waiver so long as the responding party identifies the documents mistakenly produced. Under such circumstances the materials will be returned and the party who receives such materials cannot assert that production waived a claim of privilege or of protection as trial preparation material.

DATED this 5th day of January 2011.

Respectfully Submitted By:

/s/ James M. Manley
James M. Manley, Esq.
Mountain States Legal Foundation
2596 South Lewis Way
Lakewood, Colorado 80227
(303) 292-2021
(303) 292-1980 (facsimile)
jmanley@mountainstateslegal.com

Attorney for Plaintiff

/s/ Joanna Belle Gunderson
Joanna Belle Gunderson
Illinois Bar # 6286292
Assistant Attorney General
Office of the Attorney General
500 South Second Street
Springfield, IL 62706
Telephone: (217) 782-1841
Facsimile: (217) 524-5091
jgunderson@atg.state.il.us

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January 2011, I filed the foregoing document using the CM/ECF system and caused counsel of record to be served electronically through the CM/ECF system.

/s/ James M. Manley
James M. Manley