

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GARNET TURNER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO: 2:13-cv-685-WKW
)	
ALLSTATE INSURANCE COMPANY,)	
)	
Defendant.)	

TURNER PLAINTIFFS' MOTION TO REINSTATE THE PARTIES' PRIOR PLANNING REPORT OR IN THE ALTERNATIVE TO ISSUE A UNIFORM SCHEDULING ORDER

COME NOW the Turner Plaintiffs and move this Court to reinstate the parties' prior planning report, Doc. 26, and order the parties to supplement the prior report with a proposal resetting the dates therein. Discovery then could commence. In the alternative, Plaintiffs move this Court to issue a Uniform Scheduling Order which would permit the parties to begin discovery.

Procedural History

On January 6, 2014, the parties filed their "Report of Parties' Planning Meeting" with this Court. Doc. 26. The Report described the planning conference that was held on December 23, 2013, during which time many differences were resolved. Some differences remained and are identified in the

Report. *Id.* On January 1, 2014, the Court issued an order striking Doc. 26 and ordering that the parties not commence discovery until after a Uniform Scheduling Order is entered. Doc. 28. The Parties agreed-upon Rule 26(f) report has been stricken and no Uniform Scheduling Order has been entered in the above styled case.

On December 30, 2015, after this Court entered a preliminary injunction, Doc. 92, enjoining the cessation of the named Plaintiffs' retiree life insurance, counsel for Plaintiffs asked counsel for Allstate if the Defendant would agree to reconvene the planning meeting and submit an amended planning report. On January 14, 2016, counsel for Allstate rejected Plaintiffs' proposal and stated it did not believe discovery should be commenced given that Doc. 28 remains in effect. Accordingly, the litigation is at a standstill and requires Court action.

Argument

In late December 2013, the parties held a planning meeting and agreed upon a Rule 26(f) report which was filed with this Court. Doc. 26. Substantively, the Parties agreed on most items. *See id.* That report, Doc. 26, should be the starting point for an amended planning report. As the report is over two years old, dates referenced in it need to be reset. The substantive items in the report do not need to change and accordingly the time required to meet and file an amended

report should be short. Plaintiffs hereby move this Court to order the Parties to amend Doc. 26 by updating the dates and to vacate this Court's January 14, 2014 order, Doc. 28, which struck Doc. 26. Discovery could then commence.

In the alternative, Plaintiffs move this Court to enter a Uniform Scheduling Order which permits discovery to commence. Plaintiffs are eager to move this litigation forward and require the Court's assistance at this juncture to do so as Allstate refuses to consent to the commencement of discovery.

CONCLUSION

The Plaintiffs' motion to reinstate the prior planning report, to be amended with reset dates, is due to be granted. In the alternative, the Plaintiffs' motion for the Court to enter a Uniform Scheduling Order permitting discovery, is due to be granted.

Respectfully submitted by:

/s/ Taylor C. Bartlett
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ASB-2365-A51B

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CERTIFICATE OF SERVICE

I certify that on January 19, 2016, a copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, which will send electronic notice to all counsel of record:

/s/ Taylor C. Bartlett
Taylor C. Bartlett
OF COUNSEL