

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

IRISH 4 REPRODUCTIVE)	
HEALTH, <i>et. al.</i> ,)	
Plaintiffs,)	
)	
v.)	CAUSE NO.: 3:18-CV-491-PPS-JEM
)	
UNITED STATES DEPARTMENT OF)	
HEALTH AND HUMAN)	
SERVICES, <i>et. al.</i>)	
Defendants.)	

ORDER

This matter is before the Court on a Motion to Set a Rule 16 Conference [DE 110], filed by Plaintiffs on September 29, 2020. The Government Defendants filed a response on October 9, 2020, and Defendant Notre Dame filed a response on October 13, 2020.

After a Second Amended Complaint was filed on August 20, 2020, Defendants filed motions to dismiss, which are still pending. No discovery has yet occurred, and Plaintiffs now request that the Court hold a pretrial conference to set case management deadlines and begin discovery. Defendants argue that the motions to dismiss and the motion for partial summary judgment, filed on October 9, 2020, can be opposed without discovery.

The Court has wide discretion to determine the scope and manner of discovery. *Thermal Design, Inc. v. American Soc'y of Heating, Refrigerating and Air-Conditioning Engrs., Inc.*, 755 F.3d 832, 839 (7th Cir. 2014); *Patterson v. Avery Dennison Corp.*, 281 F.3d 676, 681 (7th Cir. 2002); *see also* Fed. R. Civ. P. 1 (“[The Federal Rules of Civil Procedure] should be construed, administered, and employed by the Court” to “secure the just, speedy, and inexpensive determination of every action.”)

In this case, discovery has not begun, and, since Defendants' motions to dismiss seek to dismiss all claims, they may resolve the entire action. Plaintiffs do not argue that any specific discovery is necessary for their responses to the motions to dismiss or to the newly-filed motion for summary judgment. To the extent that Plaintiffs require additional time to respond to Defendants' motions, Plaintiffs may move for an extension of the deadline, and to the extent that Plaintiffs are unable to present facts to support their opposition to Defendants' motion for summary judgment, Plaintiffs may move under Rule 56(d) for appropriate relief.

Accordingly, the Court hereby **DENIES** the Motion to Set a Rule 16 Conference [DE 110].

SO ORDERED this 15th day of October, 2020.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record