

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

PARENTS' LEAGUE FOR EFFECTIVE
AUTISM SERVICES (PLEAS), *et al.*

Plaintiffs,

vs.

Civil Action 2:08-CV-421
Judge Graham
Magistrate Judge King

HELEN JONES-KELLEY, *et al.*,

Defendants.

PRELIMINARY PRETRIAL ORDER

A preliminary pretrial conference was held on September 16, 2009. All parties were represented.

This is a civil rights action under 42 U.S.C. §1983 in which plaintiffs, an association and minor children and their parents, challenge certain rules proposed by the state as violative of federal Medicaid laws; plaintiffs also seek to require defendants to provide prescribed treatment known as Applied Behavioral Analysis to children suffering from autism. The Court has entered a preliminary injunction enjoining enforcement of the proposed rules, which injunction has been affirmed on appeal.

There is no jury demand.

The Court has subject matter jurisdiction under 28 U.S.C. §1343. The Court has personal jurisdiction over the parties and venue is proper.

The parties wish to pursue mediation with the Court's mediator prior to embarking on discovery.

This matter is REFERRED to Robert S. Kaiser, Esq., for

mediation, with the hope that mediation can be scheduled in October 2009. Counsel shall call the mediator at 513.564.7330.

Discovery is **STAYED** pending mediation.

No later than November 2, 2009, the parties will report on the status of mediation and of this case. Specifically, the parties will advise the Court of the status of settlement discussions and of any future mediation sessions, and will suggest to the Court an appropriate schedule for a continued preliminary pretrial conference.

A continued preliminary pretrial conference will be held following mediation.

Discovery is **STAYED** pending the November 2, 2009, status report.

If the case is to be actively litigated, the parties should be prepared for an aggressive pretrial schedule.

September 17, 2009

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge