

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Planned Parenthood of Northern New England,
Concord Feminist Health Center, Feminist Health
Center of Portsmouth, and Wayne Goldner, M.D.,

Plaintiffs,

No. 03-491-JD

v.

Kelly Ayotte, Attorney General of New Hampshire,
in her official capacity,

Defendant.

PLAINTIFFS' ASSENTED-TO MOTION FOR BRIEFING SCHEDULE

Plaintiffs request, with the assent of defendant, that a briefing schedule be established as set forth below to address the threshold issue of whether defendant is liable for attorney's fees and costs in any amount.

Defendant has filed a motion pursuant to F.R.Civ. P. 54(d)(2)(C), requesting that the Court limit plaintiffs' initial submissions and briefing on the issue of attorney's fees to the issue of whether plaintiffs are eligible for fees and costs in any amount, and deferring consideration to a later date of the amount of fees, if any, to which plaintiffs are entitled. Plaintiffs do not oppose this limitation.

Further, plaintiffs and defendant have conferred and propose the following briefing schedule to the Court on the initial issue of plaintiffs' entitlement to attorney's fees:

Plaintiffs to submit their initial brief within 60 days of the Court's order establishing a briefing schedule;

Defendant to submit a responsive brief within 60 days thereafter;

Plaintiffs may submit a reply brief within 30 days thereafter; and

Defendants may submit a sur-reply within 14 days after plaintiffs submit a reply.

The parties agree that this assented-to motion proposing a bifurcated briefing schedule supersedes previously filed, pending motions on briefing schedules.

WHEREFORE, plaintiffs request that the Court approve the assented-to briefing schedule set forth herein, and grant such other relief as the Court deems appropriate. A separate memorandum of law is unnecessary as the grounds for this assented-to motion are set forth herein.

Dated: August 15, 2007

Respectfully submitted,

/s/ Martin P. Honigberg

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Certificate of Service

I hereby certify that on this 15th day of August, 2007, the foregoing motion was served by the ECF system on Senior assistant Attorney General Maureen Smith, counsel to Defendant, and to all counsel of record.

/s/ Martin P. Honigberg
Martin P. Honigberg