

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

Cause No.: 8:12-cv-02519-EAK-AEP

HOWSE <i>ex rel. alia</i> v. PLANNED PARENTHOOD, <i>et al.</i> ,)	Class Action Complaint
Plaintiffs and Defendants,)	
)	Injunctive Relief Sought
<i>and</i> ,)	
)	Constitutional Challenge
HOWSE and <i>ex rel. alia</i> v. UNITED STATES,)	
Cross-Plaintiffs and Cross-Defendant.)	Demand for Jury Trial

**Plaintiffs' Notice of Attempted
Conference Scheduling as Ordered**

Come now Relator-Plaintiff *ex rel.* the fifty (50) State and Commonwealth Plaintiffs, notifying the Court of previous attempts to schedule and complete conference, and of this formal attempt to achieve and complete the same, all as previously Ordered, to-wit:

1. On 7 November 2012, this Court issued an Order designating this case as a Track Three case, and directing all appearing counsel and this unrepresented party to meet and confer, within sixty (60) days of the date of initial service of complaint upon defendants (6 November 2012), towards resolution of issues for preparing and filing the required Case Management Report; Subsequently, this Court (allegedly improperly) dismissed the original complaint and directed the filing of an amended complaint; However, that still never changed or altered the Ordered requirement to meet and confer by 5 January 2013.

2. Pursuant to the same Order issued, this Relator served a copy of the same upon all named defendant parties, and so all parties were duly informed of this same requirement.

3. Moreover, the original complaint package filed on 6 November 2012 included the **required** paper, Relator-Plaintiff's Notice of Corporate and Other Disclosures; and, Formal Request for Defendants' Rule 26 Initial Disclosures, itself formally requesting all parties to timely provide available dates and times for such required conference. *Id.*

4. However, not a single other named party in this action has even once bothered to communicate with Relator towards the scheduling of any conference or meeting, so far.

5. On this same date of filing, defaults were processed against nine (9) of the ten (10) nongovernmental Defendants herein, leaving just Defendant Family Planning Councils of America as the sole remaining nongovernmental Defendant herein not yet defaulted.

6. This formal notice is an attempt to make clear to said remaining Defendant, by and through its counsel, and also to Co-Plaintiff and Cross-Defendant the United States, of the imminent deadline of 5 January 2013 for aforementioned conference to finally occur, and Relator cannot possibly fathom how that is now supposed to happen without any sort of responsive communications or good faith efforts by other parties to fulfill such task.

7. Therefore, Relator now and formally proposes to both above named parties that, at any available date and time within the next fifteen (15) calendar days, he will cheerfully travel to the offices of either U.S. Attorney Robert O'Neill, or of counsel for Defendant Family Planning Councils of America, to finally meet and confer towards resolution(s) of the any issues in preparation and filing of the required Case Management Report herein.

8. See also, today's contemporaneous and related filing of Plaintiffs' Request Motion to Clarify Inherent Conflicts of Interest, for additional considerations and possible benefit of successfully and promptly completing such a required meeting and conference soon.

9. Let the Court and all parties be advised that Relator freely welcomes and also encourages timely communications by counsel for said Defendant and by representative of Mr. O'Neill's office, by any desired method, including email, fax, or just snail mail.

10. If the required good faith efforts are not put forth by said counsel, or by either one of them, then Relator shall be forced to move under Rule 37 to then compel the same.

WHEREFORE, the Relator-Plaintiff *ex rel.* the fifty (50) State and Commonwealth Plaintiffs provides notice of attempted scheduling of conference as previously Ordered, formally proposes the same here in attempt to reasonably complete such a meeting and conference and duly advises the Court of said status and corresponding good faith efforts.

Respectfully submitted,

/s/ Torm Howse

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