

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NICHOLAS HARRISON, *et al.*,)
)
 Plaintiffs,)
)
 v.)
)
 JAMES N. MATTIS, *et al.*,)
)
 Defendants,)
)
 _____)

No. 1:18-CV-00641-LMB-IDD

MOTION TO ALTER BRIEFING SCHEDULE

Defendants, through their undersigned counsel, hereby respectfully move for leave to file a consolidated brief on Plaintiffs’ pending motion for a preliminary injunction, Dkt. 25, and in support of Defendants’ anticipated motion to dismiss, on the same briefing schedule previously approved by the Court. On July 24, 2018, the Court entered an Agreed Order directing Defendants to file their opposition to Plaintiffs’ preliminary injunction motion by August 16, Plaintiffs to file their reply in support of their motion by August 29, and setting a hearing on the motion for September 14.

Defendants’ response to Plaintiffs’ complaint is due August 13, 2018, Dkt. 22, and Defendants expect to file a motion to dismiss that will raise arguments that overlap with the arguments that they would make in their opposition to the preliminary injunction motion. Thus, to ensure an orderly and efficient briefing and hearing schedule for these matters, Defendants respectfully request that the Court consolidate the briefing and hearing on a motion to dismiss and Plaintiffs’ motion for a preliminary injunction, on the same schedule previously approved by

the Court, and to add to that schedule by setting September 7, 2018 as the date for Defendants to file any reply in support of their motion to dismiss. Good cause exists for this relief as follows:

1. Defendants expect to file a motion to dismiss Plaintiffs' complaint. Defendants anticipate that the arguments in their forthcoming motion to dismiss will overlap with their opposition to Plaintiffs' preliminary injunction motion.
2. Thus, Defendants' proposed consolidated briefing would help ensure a more efficient briefing schedule by allowing the parties to raise and address all of their arguments in a single set of briefs. Without this requested relief, the parties would need to draft parallel sets of briefs for this Court to review at roughly the same time, even though the briefings involve overlapping issues.
3. Plaintiffs would not be prejudiced by this proposal. In fact, Defendants' requested relief would give Plaintiffs a later date to file their opposition to an expected motion to dismiss. If Defendants filed a motion to dismiss on August 13, 2018 separately from their opposition to the preliminary injunction motion, Plaintiffs' opposition would be due on August 27, 2018. Under Defendants' proposal, Plaintiffs' opposition to such a motion would be due along with their reply in support of the preliminary injunction motion on August 29, 2018. To the extent Plaintiffs are concerned that page or time limits may impact their ability to file a consolidated response to Defendants' consolidated filing, a reasonable extension of such limits could accommodate those concerns if they arise.
4. For these reasons, Defendants respectfully request that the Court enter the following consolidated briefing schedule:

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Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I filed the foregoing using the Court's CM/ECF system, which will send a notification of electronic filing (NEF) to the following counsel of record:

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