

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

NICHOLAS HARRISON and
OUTSERVE-SLDN, INC.

Plaintiffs,

v.

JAMES N. MATTIS, in his official capacity as
Secretary of Defense; MARK ESPER, in his
official capacity as the Secretary of the Army;
and the UNITED STATES DEPARTMENT
OF DEFENSE

Defendants.

Case No. 1:18-cv-641 (LMB/IDD)

**JOINT MOTION TO EXTEND THE DEADLINE FOR SUBMISSION OF THE
PARTIES' PROPOSED DISCOVERY PLAN**

Plaintiffs Nicholas Harrison and OutServe-SLDN, Inc. (“Plaintiffs”) and Defendants James Mattis, in his official capacity as the Secretary of Defense; Mark Esper, in his official capacity as the Secretary of the Army; and the United States Department of Defense (“Defendants”), by counsel, pursuant to Fed. R. Civ. P. 16 and Local Rule 16, hereby move to extend the deadline for the filing of the parties’ Proposed Discovery Plan. The current deadline for submission of the parties’ Proposed Discovery Plan is October 17, 2018. The parties respectfully request that the deadline for filing their Proposed Discovery Plan be extended by two (2) days to Friday, October 19, 2018.

The parties submit that there is good cause to extend the deadline for submission of the parties’ Proposed Discovery Plan. After receiving the Court’s October 3, 2018, Order, the parties began discussions regarding, *inter alia*, discovery generally and the Proposed Discovery Plan.

Defendants prepared a draft Proposed Discovery Plan, and the parties are engaged in discussions regarding certain issues in an attempt to reach resolution regarding these issues. The parties are continuing to meet and confer, and additional time will allow the Parties to resolve outstanding issues before potentially presenting them to the Court. Moreover, the proposed extension will not delay trial and will not impact the Court's administration of this matter or otherwise increase the burden placed upon the Court. Specifically, the parties do not believe that the requested extension of time need affect the date of the Initial Pretrial Conference in this case, which is currently set for October 24, 2018 at 11 a.m.

WHEREFORE, Plaintiffs and Defendants respectfully request that the Court enter the Proposed Order attached as Exhibit A.

By /s/ Andrew R. Sommer

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of October 2018, I caused the foregoing to be filed electronically using the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: October 16, 2018

Respectfully submitted,

/s/ Andrew R. Sommer
Andrew R. Sommer

Exhibit A

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**[PROPOSED] ORDER EXTENDING THE DEADLINE FOR SUBMISSION OF THE
PARTIES' PROPOSED DISCOVERY PLAN**

The Court, having considered the Joint Motion to Extend the Deadline For Submission of the Parties' Proposed Discovery Plan, hereby GRANTS the motion and extends the deadline for the filing of a Proposed Discovery Plan by two (2) days to October 19, 2018.

It is SO ORDERED.
