

**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.

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

**MEMORANDUM IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION TO
MODIFY RULE 16(B) SCHEDULING ORDER**

Plaintiffs seek to move to modify the Rule 16(B) Scheduling Order (“Scheduling Order”) entered on October 22, 2018. *See* ECF No. 68. Defendants have indicated that they do not oppose this motion.

There is good cause for certain modifications to the Scheduling Order. Specifically, the parties have met and conferred and reached an agreement that led Plaintiffs to noticing its motion to compel, ECF No. 72, for hearing on November 30th rather than November 23rd as Plaintiffs had originally contemplated to accommodate the schedule of Defendants’ counsel. The proposed modifications will not delay trial and will not impact the Court’s administration of this matter or otherwise increase the burden placed upon the Court.

Accordingly, Plaintiffs’ respectfully request that the Court modify certain deadlines in the Scheduling Order, as follows:

Event	Court-Ordered Date	Proposed New Date
Plaintiffs’ Expert Disclosure Deadline	December 17, 2018	December 24, 2018
Defendants’ Expert Disclosure Deadline	January 16, 2019	January 23, 2019

A Proposed Order providing for these modifications to the Scheduling Order is attached hereto as Exhibit A.

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

Dated: November 21, 2018

Respectfully submitted,

/s/ Andrew R. Sommer

Andrew R. Sommer
Virginia State Bar No. 70304
ASommer@winston.com
Cyrus T. Frelinghuysen (pro hac vice)
CFrelinghuysen@winston.com
John W.H. Harding
Virginia State Bar No. 87602
JWHarding@winston.com
WINSTON & STRAWN LLP
1700 K St., NW
Washington, DC 20006
T: (202) 282-5000

Scott A. Schoettes (pro hac vice)
SSchoettes@lambdalegal.org
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
105 W. Adams, Suite 2600
Chicago, IL 60603
T: (312) 663-4413

Anthony Pinggera (pro hac vice)
APinggera@lambdalegal.org
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
4221 Wilshire Blvd, Suite 280
Los Angeles, CA 90010
T: (213) 382-7600

Peter E. Perkowski (pro hac vice)
PeterP@outserve.org
OUTSERVE-SLDN, INC.
P.O. Box 65301
Washington, DC 20035-5301
T: (800) 538-7418

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of November 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: November 21, 2018

Respectfully submitted,

/s/ Andrew R. Sommer
Andrew R. Sommer