

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

RICHARD ROE, ET AL.,

PLAINTIFFS,

v.

PATRICK M. SHANAHAN, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-cv-01565

NICHOLAS HARRISON, ET AL.,

PLAINTIFFS,

V.

PATRICK M. SHANAHAN, ET AL.,

DEFENDANTS.

CIVIL ACTION NO. 1:18-CV-00641

**MEMORANDUM IN SUPPORT OF PARTIES' JOINT MOTION
TO MODIFY THE SCHEDULING ORDER FOR THE LIMITED PURPOSE OF
TAKING A DEPOSITION OUT OF TIME**

The Parties respectfully request that this Court amend the Modified Scheduling Order entered in these cases for the limited purposes of permitting the deposition of a witness for Plaintiffs, Dr. Trevor Hoppe, on May 14, 2019. The Parties submit that there is good cause under Local Rule 16(B) to take these depositions beyond the deadline to complete discovery.

In these cases, fact discovery is closed and the parties are proceeding with expert discovery. All discovery closes on May 10, 2019. During fact discovery, the parties took more than 25 fact witness depositions. During expert discovery, Plaintiffs disclosed three expert witnesses, including Dr. Trevor Hoppe, and Defendants disclosed two witnesses. Plaintiffs deposed one of Defendants' expert witnesses on April 30, 2019, and will depose the second witness on May 3, 2019. Under the current discovery schedule, Plaintiffs' expert witness

rebuttal reports are due May 6, 2019. Because of this, there is a narrow four-day period in which the depositions of Plaintiffs' three expert witnesses can be scheduled. There are scheduling conflicts that make scheduling all three depositions in this time frame untenable. The Parties have conferred, and agree that the deposition of Dr. Trevor Hoppe could be taken on May 14, 2019. No other aspects of this Court's scheduling order will be impacted.

Good cause therefore exists to amend the Modified Scheduling Order for the limited purpose of taking the deposition of Dr. Trevor Hoppe out of time. Accordingly, the Parties respectfully request that the Court grant their Motion to amend the Modified Scheduling Order entered in this case to permit this deposition to proceed out of time.

Dated: May 2, 2019

/s/ Scott Schoettes

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Respectfully submitted,

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Counsel for the Government

CERTIFICATE OF SERVICE

I certify that, on the 2nd day of May, 2019, I caused this document to be filed electronically through the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

Dated: May 2, 2019

Respectfully submitted,

/s/ John W.H. Harding

John W.H. Harding

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PROPOSED ORDER

After considering the Parties' Joint Motion to Modify the Scheduling Order in these Cases, the Court GRANTS the Motion, and amends the Scheduling Order to permit the deposition of Dr. Trevor Hoppe to occur no later than May 14, 2019.

Entered this _____ day of May, 2019.

Alexandria, Virginia
