

**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 SEVERAL DEPOSITIONS 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 depositions of two witnesses for the defendants, Jason Okulicz and Guy Palumbo on March 20, 2019, and the deposition of one witness for the plaintiffs, K.R., on March 25, 2019. The Parties submit that there is good cause under Local Rule 16(B) to take these depositions beyond the deadline to complete fact discovery.

Since February 15, 2019 Plaintiffs have taken thirteen depositions. Defendants have taken eight depositions. A number of these depositions have required travel by both sides. The schedule has been, to say that least, quite crowded.

Two of the remaining depositions will require counsel for the parties to travel to San Antonio, Texas. The remaining deponent is currently in Germany and will appear locally for

deposition. One of the witnesses that is expected to be deposed was just identified during another deposition a little more than a week ago. For this and various other reasons, including the availability and location of counsel and the witnesses, it was not possible to schedule these depositions before the fact-discovery deadline.

The Parties have conferred, and agree that these depositions will be completed by March 25, 2019. No other aspects of this Court's scheduling order will be impacted, and expert discovery will continue until the cut-off date for all discovery, May 10, 2019. Dkt. 106.

Good cause therefore exists to amend the Modified Scheduling Order to permit the depositions of Jason Okulicz, Guy Palumbo, and the member of OutServe-SLND, Inc. for the limited purpose of taking these depositions. Accordingly, the Parties respectfully request that the Court grant their Motion to amend the Modified Scheduling Order entered in this case to permit these depositions to proceed out of time.

Dated: March 15, 2019

Respectfully submitted,

/s/ Scott Schoettes

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## CERTIFICATE OF SERVICE

I certify that, on the 15th day of March, 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: March 15, 2019

Respectfully submitted,

*/s/ Andrew R. Sommer*

Andrew R. Sommer

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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 depositions of the three witnesses identified in the Parties' motion to occur no later than March 25, 2019.

Entered this \_\_\_\_\_ day of March, 2019.

Alexandria, Virginia

\_\_\_\_\_  
United States District Judge