

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

NICHOLAS HARRISON; and OUTSERVE-)
SLDN, INC.,)
)
Plaintiffs,)

v.)

PATRICK M. SHANAHAN, in his official)
capacity as Acting Secretary of Defense;)
MARK T. ESPER, in his official capacity as)
Secretary of the Army; and the UNITED)
STATES DEPARTMENT OF DEFENSE,)
)
Defendants.)

No. 1:18-cv-641-LMB-IDD

RICHARD ROE; VICTOR VOE; and)
OUTSERVE-SDLN, INC.,)
)
Plaintiffs,)

v.)

PATRICK M. SHANAHAN, in his official)
capacity as Acting Secretary of Defense;)
HEATHER A. WILSON, in her official)
capacity as Secretary of the Air Force; and the)
UNITED STATES DEPARTMENT OF)
DEFENSE,)
)
Defendants.)

No. 1:18-cv-1565-LMB-IDD

**MEMORANDUM IN SUPPORT OF JOINT MOTION
TO ENLARGE TIME TO FILE PRETRIAL DISCLOSURES**

The parties respectfully request that this Court (1) amend the scheduling order entered in *Harrison v. Shanahan*, see Dkt. 64, to permit the parties to file the pre-trial disclosures required by that order—the Rule 26(a)(3) disclosures, the witness list, and the trial exhibit list and exhibits—on or before May 30, 2019, and (2) issue an order in *Roe v. Shanahan*, requiring the parties file the same on or before May 30, 2019. The Parties submit that there is good cause for this request, as more fully described below.

These two cases were consolidated for pre-trial discovery purposes by the Court on January 4, 2019. Under the consolidated discovery plan approved by the Court, fact discovery closed on March 15, 2019. Fact discovery has been extensive. For example, the parties deposed twenty-eight fact witnesses in *Harrison* and *Roe*. Expert discovery closed on May 10, 2019, except for the deposition of one of Plaintiffs' experts on May 14, 2019. Expert discovery was extensive as well, involving five separate expert witness depositions. Given the extent of discovery in these cases, the parties have identified hundreds of potential exhibits and many potential witnesses; however, if given additional time, the parties can attempt to winnow their exhibit and witness lists to the maximum extent.

For these reasons, the parties respectively submit that good cause is shown to grant this request, amend the scheduling order entered in *Harrison v. Shanahan*, see Dkt. 64, to permit the parties to file the required pretrial disclosures on or before May 30, 2019, and issue an order in *Roe v. Shanahan*, requiring the parties file their pre-trial disclosures on or before May 30, 2019.

Dated: May 14, 2019

/s/ Scott Schoettes

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CERTIFICATE OF SERVICE

I certify that, on the 14 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 14, 2019

Respectfully submitted,

/s/ John Harding
John Harding

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PROPOSED ORDER

After considering the Parties' Joint Motion to Enlarge Time to File Pretrial Disclosures in these cases, and for good cause shown, it is hereby

ORDERED that the Parties' Joint Motion to Enlarge Time to File Pretrial Disclosures is granted, and that the Parties shall file the pretrial disclosures required by the scheduling order entered in *Harrison v. Shanaban*, see Dkt. 64 on or before May 30, 2019.

Entered this ____ day of _____, 2019.
