

**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 COURT'S ORDER FOR THE
LIMITED PURPOSE OF TAKING A DEPOSITION OUT OF TIME**

The Parties respectfully request that this Court amend the orders issued in *Harrison, et al. v. Shanahan, et al.*, see ECF No. 183, and in *Roe, et al. v. Shanahan, et al.*, see ECF No. 147 directing the parties to conduct additional discovery with respect to whether plaintiff OutServe-SLDN, Inc. has associational and/or direct standing by the close of business on Monday, July 1, 2019, for the limited purpose of allowing the deposition of Andy Blevins, the Executive Director of OutServe, on July 2, 2019. The Parties submit that there is good cause to take this deposition beyond the initial deadline of July 1, 2019.

The Parties appeared before the Court on May 31, 2019, to address Defendants' renewed motion to dismiss Plaintiff OutServe for lack of associational or direct standing. This Court directed the Parties to engage in additional discovery on this topic, to be completed by the close of business on July 1, 2019. Following this order, Plaintiff OutServe began collecting documents it believes to be relevant to its assertions of associational and direct standing. Defendants began evaluating what documents they may need to show that OutServe does not have either associational or direct standing. On June 6, 2019, the parties met and conferred about the proposed scope of the requests for production and interrogatories that Defendants planned to serve on Plaintiffs. On June 7, 2019, Defendants served those requests and interrogatories. Due to the scope of these requests, Plaintiffs will not be able to begin producing documents until June 25, 2019, on a rolling basis through June 28, 2019. Plaintiffs and Defendants have agreed to Plaintiffs' proposed production schedule.

The documents to be produced by OutServe—on its own and in response to the requests for production served by Defendants—may be relevant to the deposition of Mr. Blevins. Extending the date of Mr. Blevins' deposition to July 2, 2019 will allow Defendants adequate time to review these documents prior to the deposition.

Furthermore, Mr. Blevins is traveling the weekend of June 29–30, 2019. Because his attorney, Mr. Perkowski, will be handling the identification, collection, redaction, and production of documents the week of June 25–28, 2019, the additional day is also needed for Mr. Perkowski to meet with his client prior to the deposition.

The Parties have conferred, and agree that the deposition of Mr. Blevins could be taken on July 2, 2019. No other aspects of the Court's order will be impacted, and the parties will still submit any additional briefing related to newly discovered evidence by Friday, July 12, 2019.

Good cause therefore exists to amend the Orders entered by this Court on May 31, 2019, for the limited purpose of taking the deposition of Andy Blevins out of time. Accordingly, the Parties respectfully request that the Court grant their Motion to Modify the Court's Order for the Limited Purpose of Taking a Deposition Out of Time.

Dated: June 21, 2019

/s/ Scott Schoettes

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CERTIFICATE OF SERVICE

I certify that, on the 21st day of June, 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: June 21, 2019

Respectfully submitted,

/s/ John H. Harding
John W.H. Harding

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PROPOSED ORDER

After considering the Parties' Joint Motion to Modify the Court's Order for the Limited Purpose of Taking a Deposition Out of Time, the Court GRANTS the Motion, and amends the Order to permit the deposition of Andy Blevins to occur on July 2, 2019.

Entered this _____ day of June, 2019.

Alexandria, Virginia
