

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BROCK STONE, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 1:17-cv-02459-GLR

DEFENDANTS' CONSENT MOTION TO VACATE DEPOSITION DEADLINES

Defendants hereby file this consent motion to vacate deposition deadlines. In support thereof, Defendants state as follows:

1. On June 7, 2018, the Court entered an amended scheduling order, setting deadlines for, among other things, the close of discovery. ECF No. 170.
2. On June 15, 2018, Plaintiffs filed their Motion to Compel, ECF No. 177, and their Motion for Judicial Determination of Privilege, ECF No. 178.
3. On June 18, 2018, Defendants filed their Motion for a Protective Order, ECF No. 179.
4. On July 31, 2018, the Court entered an Order Regarding Depositions. ECF No. 199. In that Order, the Court extended the discovery deadline as to depositions as follows:
(1) "For depositions by Plaintiffs: within the latter of (i) 60 days from the date of the Court's decision on [Plaintiffs' Motion to Compel,] Dkt. 177 and [Plaintiffs' Motion for Judicial Determination of Privilege,] Dkt. 178, or (ii) 60 days from the date when Defendants complete any production ordered by the Court in its ruling on [Plaintiffs' Motion to Compel,] Dkt. 177";

and (2) “For depositions by Defendants, within 60 days from the date of the Court’s decision on [Defendants’ Motion to Dismiss Plaintiffs’ Second Amended Complaint or, in the Alternative, Defendants’ Motion for Summary Judgment,] Dkt. 158 and [Plaintiffs’ Cross-Motion for Summary Judgment,] Dkt. 163.”

5. On August 14, 2018, the Magistrate Judge granted Plaintiffs’ Motion to Compel, dismissed as moot Plaintiffs’ Motion for Judicial Determination of Privilege, and granted in part and denied in part Defendants’ Motion for a Protective Order. ECF Nos. 204, 205.

6. Defendants moved to stay compliance with the Magistrate Judge’s Order on August 17, 2018, ECF No. 208, and filed Objections to the Magistrate Judge’s Order on August 28, 2018, ECF No. 209.

7. On August 30, 2018, the parties filed a Joint Motion to Suspend Certain Deadlines. ECF No. 210. The parties requested, among other things, that the Court suspend the August 31, 2018 discovery deadline and agreed to file a joint proposed revised scheduling order within 21 days after the final resolution, including any appellate proceedings, of Plaintiffs’ Motion to Compel, ECF No. 177, and Defendants’ Motion for Protective Order, ECF No. 179.

8. On September 10, 2018, the Court granted the parties’ Joint Motion to Suspend Certain Deadlines. ECF No. 213. The Court suspended, among other deadlines, the August 31, 2018 discovery deadline, and directed the parties to file a joint proposed revised scheduling order within 21 days after the final resolution, including any appellate proceedings, of Plaintiffs’ Motion to Compel, ECF No. 177, and Defendants’ Motion for Protective Order, ECF No. 179.

9. On November 30, 2018, the Court overruled Defendants’ Objections to the Magistrate Judge’s Order but stayed compliance with the order pending the Ninth Circuit’s ruling in the related case, *Karnoski v. Trump*. ECF Nos. 227, 228.

10. On June 14, 2019, the Ninth Circuit issued a writ of mandamus and vacated the district court's discovery order in *Karnoski*. See ECF No. 255.

11. On June 27, 2019, Defendants moved for reconsideration of the Court's November 30, 2018 Order in light of the Ninth Circuit's ruling. ECF No. 257.

12. On August 20, 2019, the Court granted in part and denied in part Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint or, in the Alternative, Defendants' Motion for Summary Judgment, ECF No. 158. ECF Nos. 263, 264.

13. Based on the Court's July 31, 2018 Order Regarding Depositions, ECF No. 199, Defendants have 60 days from the date of the Court's Order on the cross-motions for summary judgment to take depositions. Thus, Defendants' current deadline to take depositions is October 21, 2019.

14. On September 3, 2019, the Court granted in part Defendants' Motion for Reconsideration, vacated the Magistrate Judge's Order granting Plaintiffs' Motion to Compel and dismissing as moot Plaintiffs' Motion for Judicial Determination of Privilege, and remanded the case to the Magistrate Judge to conduct further discovery proceedings consistent with the Court's Memorandum Opinion. ECF Nos. 267, 268.

15. If the current deadlines remain in place, Defendants would be required to take all of their depositions by October 21, 2019, whereas Plaintiffs likely would have significantly more time to take their depositions because Plaintiffs' deposition deadline is tied to the resolution of Plaintiffs' Motion to Compel, Dkt. 177, and Plaintiffs' Motion for Judicial Determination of Privilege, Dkt. 178, and there have not yet been final rulings on these motions. Also, Defendants would be required to take all of their depositions long before the close of discovery, the deadline for which is currently suspended. See ECF No. 213.

16. Because the plaintiffs in the four related cases have retained many of the same experts, Defendants anticipate taking depositions of those experts once. The plaintiffs in the related case, *Stockman v. Trump*, No. 17-cv-1799 (C.D. Cal.), disclosed their experts to Defendants on September 16, 2019, and have requested that the Court grant them until October 11, 2019, to designate additional experts. Defendants will need time to review the expert reports in *Stockman* before taking depositions. Therefore, allowing Defendants additional time to take depositions is in the interest of efficiency and will preserve the parties' resources.

17. Accordingly, Defendants request that the Court vacate the deposition deadlines for Defendants and for Plaintiffs and further request that the parties file a joint proposed amended schedule with discovery, dispositive motion, and pre-trial deadlines within 21 days after the final resolution, including any appellate proceedings, of Plaintiffs' Motion to Compel, ECF No. 177, and Plaintiffs' Motion for Judicial Determination of Privilege, ECF No. 178.

18. Defendants have conferred with counsel for Plaintiffs, who consent to the relief requested herein.

WHEREFORE, Defendants respectfully request that the Court vacate the deposition deadlines set forth in the Court's July 31, 2018 Order Regarding Depositions, ECF No. 199, and direct the parties to file a joint proposed amended schedule for all discovery deadlines, dispositive motions deadlines, and pre-trial deadlines within 21 days after the final resolution, including any appellate proceedings, of Plaintiffs' Motion to Compel, ECF No. 177, and Plaintiffs' Motion for Judicial Determination of Privilege, ECF No. 178. A proposed order accompanies this motion.

Date: September 19, 2019

Respectfully submitted,

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2019, I electronically transmitted the foregoing to the parties and the clerk of court for the United States District Court for the District of Maryland using the CM/ECF filing system.

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**[PROPOSED] ORDER GRANTING DEFENDANTS' CONSENT
MOTION TO VACATE DEPOSITION DEADLINES**

Upon consideration of Defendants' consent motion to vacate deposition deadlines, and because good cause has been shown, it is, therefore, ORDERED that:

- Defendants' Motion is GRANTED;
- The deposition deadlines as set forth in the Court's July 31, 2018 Order, ECF No. 199, are VACATED; and
- The parties shall file a joint status report with a proposed amended schedule for all discovery deadlines, dispositive motions deadlines, and pre-trial deadlines within 21 days after the final resolution, including any appellate proceedings, of Plaintiffs' Motion to Compel, ECF No. 177, and Plaintiffs' Motion for Judicial Determination of Privilege, ECF No. 178.

IT IS SO ORDERED.

Dated: _____

Hon. George L. Russell, III
United States District Judge