

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS, <i>et al.</i> ,)	
Plaintiffs)	
)	
v.)	Docket No. 2:12-cv-184
)	
KENNETH L. MILLER, <i>et al.</i> ,)	
Defendants)	

RESPONSE UNLIMITED, INC. AND VICTORIA
HYDEN’S UNOPPOSED EMERGENCY MOTION TO
STAY THE SUMMARY JUDGMENT DEADLINE
PENDING A DECISION ON PLAINTIFFS’ MOTION
FOR CLARIFICATION OF THE DISCOVERY SCHEDULE

Defendants Response Unlimited, Inc. (“Response Unlimited”) and Victoria Hyden, by their attorneys, Gravel & Shea PC, hereby move this Court, with the consent of the Plaintiffs and the absence of opposition from other parties, for an Order staying the current November 21, 2019 deadline for the submission of motions for summary judgment. This motion is submitted on an emergency basis because it is likely the November 21 deadline will be reached before the Court has ruled on Plaintiffs’ motion for clarification of the discovery schedule which these Defendants and others oppose.¹

¹ These Defendants have submitted their Opposition dated November 11, 2019.

Argument

I. THE COURT SHOULD STAY THE SUMMARY JUDGMENT DEADLINE PENDING THE RESOLUTION OF PLAINTIFFS' MOTION FOR CLARIFICATION OF THE DISCOVERY SCHEDULE/ORDER

Under the currently existing Discovery Schedule/Order, motions for summary judgment are due on November 21, 2019. *See* ECFs 320, 329. Good cause to extend this deadline exists because Plaintiffs have sought to clarify and/or modify the schedule, which would have the effect of extending the deadline for the submission of summary judgment motions for six months. *See* ECF 401. Defendants Hyden and Response Unlimited are prepared to file summary judgment papers by the November 21, 2019 deadline. Declaration of Matthew D. Freedom, dated November 11, 2019, ¶ 6. However, were they to file their motions in compliance with this deadline and the Court then issue an order extending the discovery period, Ms. Hyden and Response Unlimited would be subject to the additional prejudice of being cornered into giving Plaintiffs a roadmap to the remainder of discovery. The Court should not allow this unfair advantage. Ms. Hyden and Response Unlimited request that the Court stay the summary judgment deadline until two weeks after the Court issues its decision on Plaintiffs' motion (ECF 401) should the Court deny the extension, or if the deadlines are extended, until the new deadline.

Dated: Burlington, Vermont
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Robert B. Hemley

Robert B. Hemley, Esq.
Gravel & Shea PC
76 St. Paul Street, 7th Floor, P.O. Box 369
Burlington, VT 05402-0369
(802) 658-0220
rhemley@gravelshea.com
For Defendants