

3. The current deadline for the completion of all fact discovery is February 14, 2020. ECF No. 55.
4. At the outset, the Parties have continued to work on stipulations that could eliminate the need for or narrow the scope of appropriate discovery. On September 20, 2019, Plaintiffs proposed revisions to the draft stipulations circulated by USCCB prior to the August 28, 2019 scheduling conference. USCCB proposed further revisions on October 30, 2019. Plaintiffs countered with additional edits on November 7, 2019, to which USCCB responded on November 14, 2019. Federal Defendants provided their first revisions on November 20, 2019.
5. Meanwhile, on November 19, 2019, USCCB produced documents responsive to Plaintiffs' first set of requests for production of documents.
6. Federal Defendants produced certain documents in connection with their initial disclosures and in response to Plaintiffs' first set of interrogatories. Federal Defendants indicated on November 4, 2019, that they do not anticipate beginning production of additional documents responsive to Plaintiffs' first set of requests for production of documents until December 4, 2019. Federal Defendants further indicated that they intend to produce such documents on a rolling basis. On November 21, 2019 Federal Defendants indicated that they anticipate completing production of such documents approximately April 2, 2020.
7. Due to this anticipated time frame for Federal Defendants to complete their production, there is a need to modify the current scheduling order. This is because (1) Plaintiffs will not have an opportunity to review the documents produced in response to the first set of written discovery requests to inform a second set of written

discovery requests before the current deadline of November 27, 2019 for serving such requests; and (2) Plaintiffs will not have sufficient time after the completion of production of documents responsive to the second set of written discovery requests to inform depositions before the current deadline for completion of all fact discovery of February 14, 2020.

8. Accordingly, the Parties respectfully request that the Court modify the Scheduling Order, first, by eliminating any deadline for service of written discovery requests. Eliminating this interim deadline would be consistent with the Federal Rules of Civil Procedure and would reduce the likelihood that the Parties would need to seek further modifications of the Scheduling Order. The Parties agree that, subject to this modification, they may serve written discovery requests during the fact discovery period consistent with the Federal Rules of Civil Procedure.
9. The Parties further respectfully request that the Court modify the Scheduling Order by extending the deadline by which all fact discovery must conclude to July 10, 2020.
10. Adjusting the deadline for the conclusion of fact discovery would require adjustment to the remainder of the schedule. As such, the Parties propose the following adjusted deadlines:
 - a. Proponent expert reports and disclosures, consistent with Rule 26(a)(2), shall be made no later than July 24, 2020.
 - b. The Parties shall submit a Joint Status Report regarding the status of expert discovery on or before August 4, 2020.
 - c. Rebuttal expert reports and disclosures, consistent with Rule 26(a)(2), shall be made on or before August 7, 2020.

- d. All expert discovery shall conclude on September 4, 2020.
 - e. Any dispositive motion shall be filed on or before November 4, 2020.
11. Extending the deadlines would permit the Parties sufficient time to assess any additional discovery needs and potentially narrow the issues sought through written discovery after responses to the first set of written discovery requests are produced by Federal Defendants.
12. Accordingly, good cause exists to justify the Parties' request that the Court eliminate the deadline for service of written discovery and adjust the schedule as outlined above and in the attached proposed order.

WHEREFORE, the Parties respectfully request that the Court modify the scheduling order governing this case as requested herein.

Dated: November 22, 2019

Respectfully submitted,

HOGAN LOVELLS US LLP

By: /s/ Kenneth Y. Choe
Kenneth Y. Choe (pro hac vice)
Jessica L. Ellsworth (DC Bar No. #484170)
Jennifer A. Fleury (DC Bar No. #187503)
James A. Huang (pro hac vice)
Brendan C. Quinn (DC Bar No. #1616841)
HOGAN LOVELLS US LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004-1109
Telephone: (202) 637-5600
Facsimile: (202) 637-5910
ken.choe@hoganlovells.com
jessica.ellsworth@hoganlovells.com
jennifer.fleury@hoganlovells.com
james.huang@hoganlovells.com
brendan.quinn@hoganlovells.com

Camilla B. Taylor (pro hac vice)
Jamie A. Gliksberg (pro hac vice)
**LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.**
105 West Adams, 26th Floor
Chicago, IL 60603-6208
Telephone: (312) 663-4413
ctaylor@lambdalegal.org
jgliksberg@lambdalegal.org

Kenneth D. Upton, Jr. (pro hac vice)
**AMERICANS UNITED FOR SEPARATION
OF CHURCH AND STATE**
1310 L Street, N.W., Suite 200
Washington, D.C. 20005
Telephone: (202) 898-2133
upton@au.org
* Admitted in Texas and Oklahoma only.
Supervised by Richard B. Katskee, a member of the
D.C. Bar

Attorneys for Plaintiffs

JOSEPH H. HUNT
Assistant Attorney General

MICHELLE BENNETT
Assistant Branch Director

/s/ James Powers

JAMES R. POWERS (TX Bar No. 24092989)
Trial Attorney, Federal Programs Branch
**U.S. DEPARTMENT OF JUSTICE,
CIVIL DIVISION**
1100 L Street, NW, Room 11218
Washington, DC 20005
Telephone: (202) 353-0543
james.r.powers@usdoj.gov

Attorneys for Federal Defendants

/s/ David T. Raimer

David T. Raimer (DC Bar No. #994558)
Anthony J. Dick (DC Bar No. #1015585)
JONES DAY

51 Louisiana Ave. NW
Washington, DC, 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
dtraimer@jonesday.com
ajdick@jonesday.com

Leon F. DeJulius, Jr. (pro hac vice)
John D. Goetz (pro hac vice)

JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219-2514
Telephone: (412) 391-3939
Facsimile: (412) 394-7959
lfdejulius@jonesday.com
jdgoetz@jonesday.com

*Attorneys for Defendant United States
Conference of Catholic Bishops*

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2019, a true and correct copy of the foregoing Consent Motion was filed using the Court's CM/ECF system, which will serve all counsel of record.

By: /s/ Kenneth Y. Choe
Kenneth Y. Choe (pro hac vice)

6. All expert discovery shall conclude on September 4, 2020;
7. Any dispositive motion shall be filed on or before November 4, 2020.

Dated: _____

Amit P. Mehta
United States District Judge