

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JAMES DEREK MIZE and	:	
JONATHAN DANIEL GREGG,	:	
individually and on behalf of their	:	
minor child, S.M.-G.,	:	
	:	
Plaintiffs,	:	
v.	:	Civ. No. 1:19-CV-03331-MLB
	:	
MICHAEL R. POMPEO, in his	:	
official capacity as Secretary of	:	
State, and THE U.S.	:	
DEPARTMENT OF STATE,	:	
	:	
Defendants.	:	

JOINT MOTION TO AMEND BRIEFING SCHEDULE

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure (Fed. R. Civ. P.), Plaintiffs James Derek Mize and Jonathan Daniel Gregg, individually and on behalf of their minor child, S.M.-G., and Defendants the United States Department of State and the Honorable Michael R. Pompeo, Secretary of State, respectfully request that the Court amend the schedule for briefing Plaintiffs' motion for partial summary judgment (ECF No. 44). The parties request a seven-day enlargement of time for filing Defendants' opposition to Plaintiffs' motion and Plaintiffs' reply in support of their motion as follows:

	<u>Current Deadline</u>	<u>Requested Deadline</u>
Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment	February 7, 2020	February 14, 2020
Plaintiffs' Reply in Support of Motion for Partial Summary Judgment	February 21, 2020	February 28, 2020

In support of this request, the parties state the following:

(1) On January 17, 2020, Plaintiffs filed a motion for partial summary judgment in this matter (ECF No. 44).

(2) Pursuant to Local Rule (LR) 7.1(B), Defendants' response to Plaintiff's motion is currently due February 7, 2020. Pursuant to LR 7.1(C), Plaintiffs' reply in support of their motion is due February 21, 2020.

(3) Currently pending before the United States District Court for the District of Maryland is a related case, *Kiviti, et al. v. Pompeo, et al.*, No. 19-cv-02665 (D. Md.). As in this case, plaintiffs in *Kiviti* challenge the Government's citizenship determination concerning a minor child conceived abroad via artificial reproductive technology.

(4) Undersigned counsel for both parties in this case also represent the parties in *Kiviti*.

(5) The parties in *Kiviti* are currently briefing Defendants' motion to dismiss the complaint and Plaintiffs' cross-motion for partial summary judgment.

(6) The original briefing deadlines in *Kiviti* and in this case were staggered—neither party was required to file briefs in both cases on the same day.

(7) In *Kiviti*, Defendants filed a consent motion for a seven-day extension of time of the briefing schedule. The court granted Defendants' motion. The resulting schedule eliminates the staggered briefing between the two cases.

(8) In order to preserve the staggered briefing schedule, the parties seek a corresponding seven-day enlargement of time of the deadlines for briefing Plaintiffs' motion for partial summary judgment in this case.

(9) The parties submit that this request to amend the briefing schedule is not requested for the purpose of undue delay, and further submit that the requested schedule will not prejudice the conduct of litigation.

(10) This is the parties' first motion to amend the briefing schedule with respect to Plaintiffs' motion for partial summary judgment.

Good cause, therefore, exists for the parties' request. Accordingly, the parties request that the Court grant a seven-day enlargement the deadlines for the parties' briefing of Plaintiffs' motion for partial summary judgment.

Dated: February 6, 2020

Respectfully submitted,

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State, and THE U.S.	:	
DEPARTMENT OF STATE,	:	
	:	
Defendants.	:	

**[PROPOSED] ORDER GRANTING
JOINT MOTION TO AMEND BRIEFING SCHEDULE**

Before the Court for consideration is the parties' joint motion to amend the schedule for briefing Plaintiffs' motion for partial summary judgment (ECF No. 44). The parties seek a seven-day enlargement of time for filing Defendants' response to Plaintiffs' motion and Plaintiffs' reply in support of their motion.

For good cause shown, the parties' joint motion to amend the schedule for briefing Plaintiffs' motion for partial summary judgment IS GRANTED, and

IT IS ORDERED THAT Defendants shall file their response to Plaintiffs' motion for partial summary judgment on or before February 14, 2020, and

Plaintiffs' shall file their reply in support of their motion for partial summary judgment on or before February 28, 2020.

SO ORDERED this ____ day of February 2020.

MICHAEL L. BROWN
UNITED STATES DISTRICT JUDGE