

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

_____)	
JANET JENKINS, ET AL.,)	
)	
Plaintiffs,)	
)	Docket No. 2:12-cv-00184
v.)	
)	
KENNETH L. MILLER, ET AL.,)	
)	
Defendants.)	
_____)	

DEFENDANTS LIBERTY COUNSEL, INC. AND RENA M. LINDEVALDSEN'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO PLAINTIFF'S SECOND MOTION TO COMPEL

Pursuant to Local Rule 7, Defendants Liberty Counsel, Inc. and Rena M. Lindevaldsen (“Defendants”), by and through the undersigned counsel, hereby file this motion for a ten (10) day extension of time, to and including March 19, 2020, to file their response in opposition to Plaintiff’s Second Motion to Compel. (Dkt. 472). In support, Defendants show the Court as follows:

1. On February 24, 2020, Plaintiff filed her Second Motion to Compel Defendants to produce various documents requested in discovery. (Dkt. 472).
2. As Jenkins’ own motion recognizes, prior to the filing of Jenkins’ Second Motion to Compel, and in compliance with this Court’s order concerning Plaintiff’s First Motion to Compel (dkt. 395), Defendants expended hundreds of hours and produced **13,261** pages of documents from Defendants’ paper files, as well as an extensive privilege log. (Dkt. 472, at 3).
3. Having worked for weeks prior to the filing of Plaintiff’s motion to gather, review

and produce the numerous documents responsive to Plaintiff's sweeping requests, Defendants then continued the massive undertaking, working around the clock to complete the task on the artificially-accelerated schedule created by Plaintiff's hasty and premature Second Motion to Compel.

4. Defendants completed their document review and production today, March 9, 2020, when they produced an additional **28,524 pages** of documents, and two expanded privilege logs.

5. Thus, since the Court's order granting Plaintiff's first motion to compel, Defendants have expended **several hundred hours** on document review and production, and produced well over **40,000 pages** of documents, thereby fully meeting their discovery obligations under the Court's order and the applicable rules.

6. Unfortunately, the sheer magnitude of this task, coupled with several other preexisting professional commitments¹ and an emergent family crisis² have left Defendants' counsel with no time to respond to Plaintiff's pending (and now moot) Second Motion to Compel, the response to which is also due today.

7. Defendants therefore respectfully request an extension of ten-days, to and including March 19, 2020, to prepare and file their opposition to Plaintiff's Second Motion to Compel.

¹ Defendants' counsel have been required to expend significant amounts of time preparing for oral argument in a multiple-party appeal in the Court of Appeals for the District of Columbia, working on an opening brief and appendix for federal litigation in the First Circuit Court of Appeals, preparing an extensive brief for civil and criminal litigation in the State of California, and continuing to engage in document review and production for ongoing federal litigation in the Northern District of Indiana.

² One of Defendants' counsel encountered an unexpected family emergency that required immediate out-of-state travel to attend to urgent end-of-life decisions, preparations, and finalizations for a member of his family, and he is still focused on this matter as of the filing of this motion.

8. Defendants' forthcoming opposition will further detail Defendants' Herculean efforts to comply with the Court's discovery order, Defendants' good-faith compliance on a very reasonable and accelerated timetable (given the size of the task at hand), and Plaintiff's unilateral, fatuous and arbitrary "deadline," divorced from the reality of the task she imposed on Defendants and from any pending discovery or litigation deadlines (there aren't any).

9. Most troubling, Defendants' opposition will demonstrate Plaintiff's **complete** failure to engage in **any** pre-filing meet-and-confer efforts as to alleged privilege log deficiencies and some of the other issues she improperly attempts to raise with the Court, in clear violation of this Court's rules and Plaintiff's discovery obligations.

10. This motion is brought in good faith, and not for purposes of undue delay. No party will suffer prejudice as a result of the relief requested herein. **There are no discovery deadlines currently pending, and no trial date is set.** As the Court will recall, the parties are currently waiting for some of the defendants to obtain replacement counsel, and the parties have until May 15, 2020 to submit a schedule for completing discovery. Thus, granting the modest extension sought herein will not impact the progress of this case.

11. Additionally, granting the extension request sought herein will also allow Plaintiff an opportunity to review Defendants' now-complete document production, determine that Defendants have met all of their discovery obligations in good faith, withdraw her hasty and improvidently-filed second motion to compel, and work instead in good faith with Defendant to resolve any remaining issues with privilege logs or otherwise. Concurrent with the filing of this extension motion, Defendants will request Plaintiff to withdraw her motion so as to comply with her meet-and-confer obligations and hopefully avoid troubling the Court with needless, manufactured issues. Defendants will apprise the Court if any resolution is reached in the interim.

12. Prior to filing the instant Motion, Defendants conferred with counsel for Plaintiff, who indicated that Plaintiff does not oppose the 10-day extension of time sought herein. Therefore, **Defendants' motion is unopposed.**

WHEREFORE, for good cause shown, Defendants respectfully request that this Court grant Defendants' motion and extend the deadline for Defendants' response to Plaintiff's Second Motion to Compel, to and including March 19, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2020, I caused a true and correct copy of the foregoing to be electronically filed with this Court. Service will be effectuated on all counsel of record via this Court's ECF/electronic notice system.

/s/ Horatio G. Mihet
Horatio G. Mihet