

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

KAYLA GORE; JASON SCOTT; L.G.;)
and K.N.,)

Plaintiffs,)

v.)

No. 3:19-cv-00328

WILLIAM BYRON LEE, in his official)
capacity as Governor of the State of)
Tennessee; and LISA PIERCEY, in her)
official capacity as Commissioner of the)
Tennessee Department of Health,)

Judge Eli J. Richardson
Magistrate Judge Barbara D. Holmes

Defendants.)

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME
TO SERVE EXPERT DISCLOSURES**

Defendants, by and through the undersigned and pursuant to Fed. R. Civ. P. 6(b) and LR 6.01 respectfully move for an extension of time in which to disclose their expert witnesses through March 23, 2020. In support of this Motion, Defendants state as follows:

1. Plaintiffs served their expert disclosures on January 23, 2020.
2. Pursuant to the Initial Case Management Order (Doc.36) in this case, Defendants' expert disclosures are due February 24, 2020.
3. Defendants are requesting an extension of the deadline by which they must disclose expert witnesses through March 23, 2020. Defendants have been and are in consultation with expert witnesses about their reports. Despite good faith efforts, it is likely those experts will not be able to complete those reports by the February 24, 2020 deadline. Based upon Plaintiffs' expert disclosure, Defendants may need to add an additional expert witness. Plaintiffs have responded to

Defendants' discovery requests but have not produced responsive documents. Defendants do not know if information in those documents will have a bearing on the opinions of their expert witnesses.

4. The requested extension should not impact any other deadlines in this case. The next case management conference in this case is scheduled for March 25, 2020. The current deadline for expert depositions is May 29, 2020. The deadline for filing dispositive motions is July 23, 2020. Plaintiffs' motion to amend the complaint is still pending, as is Defendants' motion to dismiss.

5. The undersigned contacted counsel for the Plaintiffs via email on February 18, 2020 to inquire whether they objected to the requested extension. As of the time this motion was filed, there has been no response.

For the foregoing reasons, Defendants respectfully request that the Court extend the time for Defendants to disclose their expert witnesses through March 23, 2020.

Respectfully Submitted

s/ Dianna Baker Shew

DIANNA BAKER SHEW BPR 012793

Senior Assistant Attorney General

(615) 532-1969

dianna.shew@ag.tn.gov

SARA E. SEDGWICK BPR 004336

Senior Assistant Attorney General

(615) 532-2589

sara.sedgwick@ag.tn.gov

Attorneys for Defendants

P.O. Box 20207

Nashville, TN 37202

Counsel for the Defendants

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2020 I filed the foregoing *Defendants' Motion for an Extension of Time to Serve Expert Disclosures* electronically through the Court's CM/ECF

System and thereby served it on the following:

Stuart C. Plunkett
BAKER BOTTS L.L.P.
101 California Street, Suite 3600
San Francisco, CA 94111
Phone: (415) 291-6200
Facsimile: (415) 291-6300
stuart.plunkett@bakerbotts.com

John T. Winemiller (TN 021084)
MERCHANT & GOULD
9717 Cogdill Road, Suite 101
Knoxville, TN 37932
Phone: (865) 380-5960
Facsimile: (612) 332-9081
JWinemiller@merchantgould.com

Gavin R. Villareal
Maddy Dwertman
BAKER BOTTS L.L.P.
98 San Jacinto Boulevard, Suite 1500
Austin, TX 78701-4078
Phone: (512) 322-2500
Facsimile: (512) 322-2501
maddy.dwertman@bakerbotts.com

Omar Gonzalez-Pagan
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
120 Wall Street, 19th Floor
New York, NY 10005-3919
Telephone: (212) 809-8585
Facsimile: (212) 809-0055
ogonzalez-pagan@lambdalegal.org

Brandt Thomas Roessler
BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112-4498
Phone (212) 408-2500
Facsimile: (212) 408-2501
brandt.roessler@bakerbotts.com

Tara L. Borelli
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
730 Peachtree Street NE, Suite 640
Atlanta, GA 30318-1210
Telephone: (404) 897-1880
Facsimile: (404) 897-1884
tborelli@lambdalegal.org

Kathryn S. Christopherson
BAKER BOTTS L.L.P.
1001 Page Mill Rd., Bldg. One, Suite 200
Palo Alto, CA 94304-1007
Phone: (650) 739-7500
Facsimile: (650) 739-7699
kathryn.christopherson@bakerbotts.com

Sasha Buchert
LAMBDA LEGAL DEFENSE AND EDUCATION
FUND, INC.
1776 K Street NW, Suite 722
Washington, DC 20006
Telephone: (202) 804-6245
sbuchert@lambdalegal.org

s/ Dianna Baker Shew
Dianna Baker Shew