

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ASHLEY DIAMOND,

Plaintiff,

v.

TIMOTHY WARD, *et al.*,

Defendants.

No. 5:20-cv-00453-MTT

JOINT MOTION TO AMEND SCHEDULING ORDER

Pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure and Section IV(A) of the Scheduling and Discovery Order, ECF 47, the parties respectfully move to amend the scheduling order to extend the deadline for Defendants' expert disclosures to and including April 15, 2022, to extend the deadline for supplemental expert disclosures to and including June 1, 2022, to extend the time for discovery to and including June 30, 2022, and to extend the deadline for dispositive and *Daubert* motions to and including August 31, 2022. In support of this motion, the parties state the following:

1. Plaintiff filed the complaint in this action on November 23, 2020. ECF 1. Defendant Arneika Smith filed her answer on January 16, 2021, ECF 31, and the remaining Defendants filed their answer on February 16, 2021, ECF 35.
2. Plaintiff filed an amended complaint on February 16, 2021. ECF 36. Defendant Arneika Smith filed her answer to the amended complaint on March 1, 2021, ECF 38, and the remaining Defendants filed their answers to the amended complaint on March 9, 2021, ECF 41.
3. Following the initial planning conference, the parties through counsel submitted the proposed scheduling and discovery order on April 8, 2021, and the schedule was adopted and

entered by the Court. ECF 47,. The scheduling and discovery order included the following case deadlines:

Case event	Deadline
Plaintiff's expert disclosures	July 6, 2021
Defendants' expert disclosures	September 3, 2021
Supplemental expert reports	October 4, 2021
Motions to amend pleadings	July 6, 2021
Close of discovery	January 3, 2022
Dispositive and <i>Daubert</i> motions	March 4, 2022

Id.

4. Thereafter, Plaintiff filed her motion for preliminary injunction. ECF 50. The Court held a hearing on the motion on May 12–13, 2021. After the hearing, and in connection with ongoing discovery, the Court modified the deadlines for expert witness disclosures, for the close of discovery, and for the filing of dispositive and *Daubert* motions. ECF 108, 125. As revised, the expert disclosures and reporting deadlines were tied to the filing of a certificate of completion, which certificate was later filed by Defendants on December 14, 2021. ECF 127. The deadlines for expert disclosures following the filing of the certificate of completion were as follows: January 13, 2022 (Plaintiff's expert disclosures), March 14, 2022 (Defendants' expert disclosures), and April 13, 2022 (Supplemental expert reports). As revised, the close of discovery now is April 3, 2022, and the deadline for filing dispositive and *Daubert* motions now is June 2, 2022. ECF 125.

5. The Court has severed the claims against Defendant Arneika Smith and has established a separate schedule for the severed case. ECF 114.

6. The parties and counsel have been working to complete discovery, have exchanged written discovery and documents, and are working to complete the written discovery and document production portion of discovery. The parties through counsel also have discussed and initiated the process of scheduling depositions for the case. Plaintiff has indicated that she may take as many as 22 depositions, including a Georgia Department of Corrections Fed. R. Civ. P. 30(b)(6) deposition which may involve multiple witnesses, but not including any experts Defendants might disclose by the pending deadline. Defendants have indicated that they will take six depositions. There may also be expert witness depositions to schedule and complete before the close of discovery. Some of the deponents will be represented by other counsel.

7. The undersigned counsel for the parties have conferred and reached agreement that additional time is needed to complete expert disclosures and discovery, including the depositions of fact and expert witnesses. The parties through counsel are asking for an additional three-month extension of the discovery period and the dispositive and *Daubert* motions deadlines, and a modification of the deadlines for the remaining expert disclosures, as follows:

Case event	Current deadline	Proposed amended deadline
Defendants' expert disclosures	March 14, 2022	April 15, 2022
Supplemental expert reports	April 13, 2022	June 1, 2022
Close of discovery	April 3, 2022	June 30, 2022
Dispositive and <i>Daubert</i> motions	June 2, 2022	August 31, 2022

8. This joint request to modify the scheduling and discovery order is made in good faith and not for purpose of delay. The additional time requested herein is needed to allow for the completion of written discovery and document productions, to allow sufficient time for the disclosure of Defendants' expert witnesses and reports, to allow sufficient time for expert

rebuttal reports, to allow sufficient time for the parties and counsel to schedule and complete fact and expert witness depositions, and finally to allow sufficient time for counsel to review the discovery record, including deposition transcripts, before the deadlines for filing dispositive and *Daubert* motions.

WHEREFORE, the parties through counsel respectfully ask that this motion be granted.

A proposed order is attached for the convenience of the Court.

Respectfully submitted.

February 10, 2022

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** Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that, on this date, the foregoing document and all attachments were served on all counsel of record through the Court's CM/ECF system.

/s/ Elizabeth Littrell

Elizabeth Littrell

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CIVIL ACTION NO. 5:20-cv-453 (MTT)

[PROPOSED] ORDER

For good cause shown, the parties' joint motion to amend the scheduling order, ECF ___, is granted. The Scheduling and Discovery Order, ECF 47, is amended to extend the deadline for Defendants' expert disclosures to and including April 15, 2022, to extend the deadline for supplemental expert disclosures to and including June 1, 2022, to extend the time for discovery to and including June 30, 2022, and to extend the deadline for dispositive and *Daubert* motions to and including August 31, 2022.

SO ORDERED, this _____ day of _____, 2022.

MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT