

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

CHRISTOPHER FAIN, *et al.*, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

WILLIAM CROUCH, *et al.*,

Defendants.

CIVIL ACTION NO. 3:20-cv-00740

HON. ROBERT C. CHAMBERS, JUDGE

JOINT MOTION FOR EXTENSION OF FACT DISCOVERY DEADLINE

Pursuant to Federal Rules of Civil Procedure 16(b)(4) and 29(b), and Local Rule 16.1(f)(3), Defendants Crouch, Beane, and the West Virginia Department of Health and Human Resources, Bureau for Medical Services (collectively, “Defendants”) and Plaintiffs Christopher Fain and Shauntae Anderson (collectively, “Plaintiffs”) (collectively, the “Parties”)¹ jointly move this Court for an extension of the deadline for fact discovery by 59 days, from the current deadline of March 1, 2022, to April 29, 2022. (ECF No. 133.) Although the Parties have been diligently pursuing discovery, the Parties have conferred and agree that more time is required to complete fact discovery and to comply with the other deadlines in the current Scheduling Order (ECF No. 75). The requested extension will not affect any other deadline in the Scheduling Order or delay the ultimate completion of discovery in the case, but instead will simply allow the fact discovery period to run concurrently with the expert discovery period, which also ends on April 29, 2022.

¹ Defendant Jason Haught does not object to the relief requested in this Joint Motion.

Over the course of the fact discovery period, Plaintiffs have served several sets of discovery requests on Defendants (ECF Nos. 71, 111, 128, 129), and served third-party subpoenas to the three Managed Care Organizations for West Virginia's Medicaid program (ECF Nos. 123, 134, 136, 148). The parties have held conferences to meet and confer about written discovery responses and document production issues. Nonetheless, there have been unavoidable delays in the discovery process, including the production of Defendants' documents, which have in turn delayed the taking of depositions.

The Parties are now in the process of scheduling depositions. However, the Parties have conferred and agreed that more time is needed for this process. Plaintiffs have requested to take a deposition of the West Virginia Department of Health and Human Resources, Bureau for Medical Services pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure. Due to the breadth of topics to be covered by the deposition, seven individuals have been designated to provide testimony on one or more topics. Additionally, the schedules of some individuals to be deposed in this matter are affected by the West Virginia Legislature being in session. Currently, it is anticipated that two witnesses may require second deposition dates to allow for the seven hours of questioning permitted under the Federal Rules of Civil Procedure.

The Parties rely on the concurrently filed memorandum of law in support of this joint motion and request that the Court extend the fact discovery cut-off from March 1, 2022, to April 29, 2022.

Respectfully Submitted,

/s/Kimberly M. Bandy

Lou Ann S. Cyrus (WVSB # 6558)
Roberta F. Green (WVSB #6598)
Caleb B. David (WVSB #12732)
Kimberly M. Bandy (WVSB #10081)
SHUMAN MCCUSKEY SLICER PLLC
P.O. Box 3953, Charleston, WV 25339
(304) 345-1400; (304) 343-1826 (fax)
lcyrus@shumanlaw.com
rgreen@shumanlaw.com
cdavid@shumanlaw.com
kbandy@shumanlaw.com

*Attorneys for Defendants William Crouch;
Cynthia Beane; and West Virginia
Department of Health and Human
Resources, Bureau for Medical Services*

/s/Walt Auvil

Walt Auvil (WVSB#190)
Counsel for Plaintiffs
The Employment Law Center, PLLC
1208 Market Street
Parkersburg, WV 26101-4323
(304) 485-3058
(304) 485-6344 (fax)
auvil@theemploymentlawcenter.com

Anna P. Prakash, Visiting Attorney
Nicole J. Schladt, Visiting Attorney
Counsel for Plaintiffs
Nichols Kaster, PLLP
IDS Center, 80 South 8th Street
Suite 4700
Minneapolis, MN 55402
(612) 256-3200
(612) 338-4878 (fax)
aprakash@nka.com
nschladt@nka.com

Dated: February 9, 2022

Sasha Buchert, Visiting Attorney
Counsel for Plaintiffs
Lambda Legal Defense and Education Fund,
Inc.
1776 K Street, N.W., 8th Floor
Washington, DC 20006-2304
(202) 804-6245
(202) 429-9574 (fax)
sbuchert@lambdalegal.org

Avatara Smith-Carrington, Visiting Attorney
Counsel for Plaintiffs
Lambda Legal Defense and Education Fund,
Inc.
3500 Oak Lawn Avenue, Suite 500
Dallas Texas 75219-6722
(214) 219-8585
(214) 219-4455 (fax)
asmithcarrington@lambdalegal.org

Nora Huppert, Visiting Attorney
Counsel for Plaintiffs
Lambda Legal Defense and Education Fund,
Inc.
4221 Wilshire Boulevard, Suite 280
Los Angeles, CA 90010
(213) 382-7600
(213) 351-6050
nhuppert@lambdalegal.org

Tara L. Borelli, Visiting Attorney
Carl. S. Charles, Visiting Attorney
Counsel for Plaintiffs
Lambda Legal Defense and Education Fund,
Inc.
1 West Court Square, Suite 105
Decatur, GA 30030
(404) 897-1880
(404) 506-9320 (fax)
tborelli@lambdalegal.org
ccharles@lamdalegal.org

Perry W. Oxley (WVSB#7211)
David E. Rich (WVSB#9141)
Eric D. Salyers (WVSB#13042)
Christopher K. Weed (WVSB#13868)
Oxley Rich Sammons, PLLC
Counsel for Jason Haught
517 9th Street, P.O. Box 1704
Huntington, WV 25718-1704
(304) 522-1138
(304) 522-9528 (fax)
poxley@oxleylawwv.com
drich@oxleylawwv.com
esalyers@oxleylawwv.com
cweed@oxleylawwv.com

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CERTIFICATE OF SERVICE

Now come Defendants Crouch, Beane, and the West Virginia Department of Health and Human Resources, Bureau for Medical Services, by and through counsel, and do hereby certify that the foregoing JOINT MOTION FOR EXTENSION OF FACT DISCOVERY DEADLINE was electronically filed with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to, and constitutes service upon on counsel listed below on February 9, 2022:

Walt Auvil (WVSB#190)
Counsel for Plaintiffs
The Employment Law Center, PLLC
1208 Market Street
Parkersburg, WV 26101-4323
(304) 485-3058
(304) 485-6344 (fax)
auvil@theemploymentlawcenter.com

Anna P. Prakash, Visiting Attorney
Nicole J. Schladt, Visiting Attorney
Counsel for Plaintiffs
Nichols Kaster, PLLP
IDS Center, 80 South 8th Street
Suite 4700
Minneapolis, MN 55402
(612) 256-3200
(612) 338-4878 (fax)
aprakash@nka.com
nschladt@nka.com

Sasha Buchert, Visiting Attorney
Counsel for Plaintiffs
Lambda Legal Defense and Education Fund,
Inc.
1776 K Street, N.W., 8th Floor
Washington, DC 20006-2304
(202) 804-6245
(202) 429-9574 (fax)
sbuchert@lambdalegal.org

Avatara Smith-Carrington, Visiting Attorney
Counsel for Plaintiffs
Lambda Legal Defense and Education Fund,
Inc.
3500 Oak Lawn Avenue, Suite 500
Dallas Texas 75219-6722
(214) 219-8585
(214) 219-4455 (fax)
asmithcarrington@lambdalegal.org

Nora Huppert, Visiting Attorney
Counsel for Plaintiffs
Lambda Legal Defense and Education Fund,
Inc.
4221 Wilshire Boulevard, Suite 280
Los Angeles, CA 90010
(213) 382-7600
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Counsel for Plaintiffs
Lambda Legal Defense and Education Fund,
Inc.
1 West Court Square, Suite 105
Decatur, GA 30030
(404) 897-1880
(404) 506-9320 (fax)
tborelli@lambdalegal.org
ccharles@lamdalegal.org

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Oxley Rich Sammons, PLLC
Counsel for Jason Haught
517 9th Street, P.O. Box 1704
Huntington, WV 25718-1704
(304) 522-1138
(304) 522-9528 (fax)
poxley@oxleylawwv.com
drich@oxleylawwv.com
esalyers@oxleylawwv.com
cweed@oxleylawwv.com

/s/Kimberly M. Bandy

Lou Ann S. Cyrus, Esquire (WVSB #6558)

Roberta F. Green, Esquire (WVSB #6598)

Caleb B. David, Esquire (WVSB #12732)

Kimberly M. Bandy, Esquire (WVSB #10081)

***Counsel for William Crouch, Cynthia Beane, and
West Virginia Department of Health and Human
Resources, Bureau for Medical Services***

SHUMAN MCCUSKEY SLICER PLLC

P.O. Box 3953

Charleston, WV 25339

(304) 345-1400; (304) 343-1826 (fax)

lcyrus@shumanlaw.com

rgreen@shumanlaw.com

c david@shumanlaw.com

kbandy@shumanlaw.com