

**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

**PLAINTIFF’S EXPEDITED MOTION TO AMEND SCHEDULING ORDER AND TO
SUPPLEMENT EXPERT DISCLOSURES**

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, Plaintiff respectfully moves to amend the scheduling order to provide for a limited 45-day extension of time to complete discovery for the limited purpose of scheduling depositions that have been noticed but not scheduled, supplementing expert disclosures to comport with fact discovery that has transpired in the six months since their completion, and extending the time to file dispositive and *Daubert* motions in advance of trial by 60 days. In support of this motion, Plaintiff states the following:

1. Although the Parties have devoted significant attorney resources to concluding discovery, including conducting 22 depositions and exchanging more than 200,000 pages of documents—more than 111,000 of which were not accessible to Plaintiff’s counsel to review until the first week in June, 2022—expert and fact deposition discovery remain ongoing under best efforts. Delays in the production of documents, illness and emergencies on the part of witness or counsel, bereavement leave, and other unforeseen circumstances have all impacted deposition scheduling.

2. The parties currently have ten depositions scheduled between now and the close

of discovery on August 15, 2022, however, additional depositions that have been noticed still await scheduling. Given the limited amount of time remaining for completion of discovery under the present schedule and ongoing witness and attorney health issues, a modest extension is requested.

3. Plaintiff also request a modest extension to permit the supplementation of Plaintiff's expert disclosures, which were served, pursuant to the scheduling order, on January 13, 2022 prior to the exchange of significant document discovery or benefit of relevant fact depositions in this case. Since the submission of the Parties' expert reports, more than 111,500 pages of discovery material have been produced by the parties, 10 fact depositions have taken place, and several fact depositions pertinent to the subject matter of the experts' testimony have yet to be conducted. Because the above-mentioned discovery is germane to the testimony that the experts intend to offer at trial, a brief opportunity to supplement the expert disclosures is needed. In addition, no prejudice will befall the Parties if this request is granted because expert depositions have not yet taken place.

4. This request to modify the scheduling order is made in good faith and not for the purpose of delay. A modest extension of deadlines is warranted given the limited amount of time remaining on the schedule, Plaintiff's counsels' health and staffing challenges, and the necessity of bringing expert discovery in conformity with the voluminous amount of fact discovery that has transpired from January 2022 to present. Further, Plaintiff anticipates that this will be her last extension request.

5. Plaintiff first sought GDC Defendants' consent for a longer extension of time on July 8, 2022, and subsequently narrowed the request as set forth herein. GDC Defendants' counsel informed Plaintiff that GDC Defendants are withholding consent on July 26, 2022.

6. Accordingly, Plaintiff respectfully requests that the Court extend the deadline for the close of discovery for the limited purpose of scheduling depositions that have been noticed but not scheduled up to and including **September 29, 2022**, grant the Parties leave to file supplemental expert reports by **September 5, 2022**, and extend the deadline for dispositive and *Daubert* motions up to and including **December 16, 2022**.

WHEREFORE, Plaintiff through counsel respectfully asks that this motion be granted.

Respectfully submitted,

July 26, 2022

/s/ Scott D. McCoy
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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/ Scott D. McCoy

Scott D. McCoy