

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

AUGUST DEKKER, et al.,

Plaintiffs,

v.

Case No. 4:22-cv-00325-RH-MAF

SIMONE MARSTILLER, et al.,

Defendants.

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**DEFENDANTS' OPPOSED MOTION FOR AN EXTENSION OF TIME
AND INCORPORATED MEMORANDUM**

Defendants Secretary Marsteller and the Agency for Health Care Administration move this Court, under Local Rules 6.1 and 7.1, to extend a discovery deadline by two weeks.

Plaintiffs emailed their first set of interrogatories and first requests for production on November 17, 2022 at 12:33 A.M. E.S.T. Because thirty days, Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A), from that date is December 17, 2022, a Saturday, the deadline for Defendants to respond to those requests is Monday, December 22, Fed. R. Civ. P. 6.

On December 13, counsel for Defendants conferred with counsel for Plaintiffs over the phone and asked for a two-week extension and a new deadline of January 3, 2023. Counsel for Defendants offered that the new deadline would also apply to

Plaintiffs' discovery deadline of December 15, 2022. After discussions, Plaintiffs ultimately opposed the request. **Attachment A** (email communications between counsel).

Defendants seek a two-week extension for three reasons. First, discovery has been more difficult than anticipated. Agency staff that has been assisting counsel for Defendants in discovery have also been working on other projects, such as responding to inquiries from the U.S. Food and Drug Administration in a time-sensitive manner, and have been working on this discovery during the holiday season.

Second, an extension would allow counsel for Defendants to devote time to other cases, such as cases involving Florida congressional redistricting, *Black Voters Matter Capacity Building Institute, Inc. v. Byrd*, 2022-CA-000666 (Fla. 2d Jud. Cir. 2022), *Common Cause Florida v. Byrd*, 4:22-cv-000109 (N.D. Fla. 2022) (three-judge court); municipal redistricting, *Jacksonville Branch of the NAACP v. City of Jacksonville*, 3:22-cv-493 (M.D. Fla. 2022), 22-13544 (11th Cir. 2022); the Clean Water Act and the Endangered Species Act, *FOLKS – Friends of the Lower Keys, LLC v. City of Marathon*, 4:22-cv-10002 (S.D. Fla. 2022); and commercial issues, *Norwegian Hull Club v. North Star Fishing Company LLC*, 5:21-cv-00181 (N.D. Fla. 2022).

Finally, a two-week extension would not prejudice any party or interfere with “completing discovery, submitting or responding to a motion, or trial.” Local R. 6.1. With the extended discovery deadline, Defendants would respond to the discovery requests after the holidays.

For these reasons, Defendants ask this Court to extend their discovery deadline to Monday, January 3, 2023.

Dated: December 14, 2022

/s/ Mohammad O. Jazil
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LOCAL RULE 7.1(B) CERTIFICATION

The undersigned certifies that counsel for both parties conferred in good faith before this motion was filed. Counsel for Plaintiffs oppose the motion.

/s/ Mohammad O. Jazil
Mohammad O. Jazil

LOCAL RULE 7.1(F) CERTIFICATION

The undersigned certifies that this memorandum contains 378 words, excluding the case style and certifications.

/s/ Mohammad O. Jazil
Mohammad O. Jazil

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2022, I electronically filed the foregoing with the Clerk of Court by using CM/ECF, which automatically serves all counsel of record for the parties who have appeared.

/s/ Mohammad O. Jazil
Mohammad O. Jazil