

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NICHOLAS HARRISON, et al.,)
)
Plaintiffs,)
)
v.)
)
LLOYD J. AUSTIN III, et al.,)
)
Defendants.)
)
)
)
_____)

No. 1:18-cv-641-LMB-IDD

)
)
RICHARD ROE, et al.,)
)
Plaintiffs,)
)
v.)
)
LLOYD J. AUSTIN III, et al.,)
)
Defendants.)
)
_____)

No. 1:18-cv-1565-LMB-IDD

JOINT MOTION TO MODIFY BRIEFING SCHEDULE

Pursuant to Federal Rule of Civil Procedure 6(b) and Eastern District of Virginia Local Rule 7(I), the parties, jointly, by and through undersigned counsel, hereby respectfully move for a modification of the schedule to enlarge the time allowed for Defendants’ response and Plaintiffs’ reply to Plaintiffs’ Motion to Enforce the Court’s permanent injunction, *Harrison v. Austin*, 18-cv-641 ECF No. 314; *Roe v. Austin*, 18-cv-1565, ECF No. 328. Good cause exists to grant this motion:

1. The parties met and conferred on several occasions, beginning last year and lasting for several months, regarding Plaintiffs' assertion that Defendants are not in compliance with the Court's injunction, which Defendants dispute. The parties did not reach an agreement and Plaintiffs filed their Motion to Enforce Judgment and for Order to Show Cause on May 3, 2023, *Harrison*, ECF Nos. 349, 350; *Roe*, ECF Nos. 358, 359.

2. Plaintiffs' motion implicates multiple questions of both law and fact. Defendants anticipate that in order to respond to the motion they may need to conduct factual investigations, identify declarants, and prepare declarations from relevant personnel. To permit the parties to fully explain these issues to the Court, the parties have negotiated a schedule that provides a brief extension for both the response and reply briefs.

3. The parties propose the following schedule:

- a. Defendants' Response due June 2, 2023
- b. Plaintiffs' Reply due June 16, 2023
- c. Motion Hearing June 23, 2023 (set on the docket on May 4, 2023)

4. A proposed order has been attached for this Court's convenience.

DATE: May 5, 2023

Respectfully submitted,

JESSICA D. ABER
United States Attorney

/s/

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Counsel for Plaintiffs

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[PROPOSED] ORDER

Before the Court is the parties’ Joint Motion to Modify the Briefing Schedule for Plaintiffs’ Motion to Enforce Judgment and for an Order to Show Cause. For good cause shown, the motion is GRANTED. It is hereby

ORDERED that the Defendants shall file their opposition by June 2, 2023, and the Plaintiffs shall file their reply by June 16, 2023.

Entered this ____ day of _____, 2023.

The Honorable Leonie M. Brinkema
United States District Judge