

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

O. John Benisek, et al.,

Plaintiffs,

vs.

Linda H. Lamone, et al.,

Defendants.

Case No. 13-cv-3233

Three-Judge Court

**JOINT MOTION TO EXTEND DEADLINES FOR COMPLETION OF FACT
DISCOVERY AND EXPERT WITNESS DISCLOSURES
AND INCORPORATED MEMORANDUM IN SUPPORT**

Pursuant to the Court's scheduling order (Dkt. 108) and Federal Rule of Civil Procedure 16, Plaintiffs and Defendants respectfully move for an order extending all remaining deadlines by three weeks.

This Court's scheduling order and Federal Rule of Civil Procedure 16(b)(4) both state that a scheduling order may be modified upon a showing of good cause. *See* ECF No. 108 at 1. The parties agree that there is good cause to extend all remaining deadline by three weeks. Discovery in this case has not been completed. At least eight depositions, including the depositions of Maryland House Speaker Michael E. Busch, Maryland Senate President Thomas V. Mike Miller, Jr., and former Maryland Governor Martin O'Malley are scheduled to take place between February 17, 2017 and March 3, 2017. Further, document productions are not currently completed. Finally, three discovery-related motions (Dkts. 125, 131, and 135) are pending with the Court. Parties cannot adequately prepare expert reports until discovery is complete.

Therefore, the parties agree and stipulate that the following modifications should be made to the deadlines listed in the Court's scheduling order:

Event	Prior Deadline	New Deadline
Deadline for completion of all fact discovery; parties shall submit a joint status report regarding the status of discovery and their positions regarding the necessity of summary judgment motions practice	February 10, 2017	March 3, 2017
Plaintiffs' Rule 26(a)(2) disclosures	February 10, 2017	March 3, 2017
Defendant's Rule 26(a)(2) disclosures	March 10, 2017	March 31, 2017
Plaintiff's rebuttal Rule 26(a)(2) disclosures	March 17, 2017	April 7, 2017
Rule 26(e)(2) supplementation of disclosures and responses	March 24, 2017	April 14, 2017
Expert discovery deadline; submission of status report	March 24, 2017	April 14, 2017

Notwithstanding their agreement to these deadlines, Plaintiffs reserve their right to move for injunctive relief at an appropriate time.

Wherefore, the parties respectfully request that the Court enter an order adopting the agreed modified schedule.

Dated: February 9, 2017

Respectfully submitted,

/s/ Michael B. Kimberly

Michael B. Kimberly, Bar No. 19086

mkimberly@mayerbrown.com

Paul W. Hughes, Bar No. 28967

Stephen M. Medlock, *pro hac vice*

E. Brantley Webb, *pro hac vice*

Mayer Brown LLP

1999 K Street NW

Washington, D.C. 20006

(202) 263-3127 (office)

(202) 263-3300 (facsimile)

Counsel for Plaintiffs

/s/ Jennifer L. Katz (signed by Michael
Kimberly with permission of Jennifer
L. Katz)

Jennifer L. Katz, Bar No. 28973
Sarah W. Rice, Bar No. 29113
Assistant Attorneys General
Office of the Attorney General
200 St. Paul Place, 20th Floor
Baltimore, MD 21202
(410) 576-7005 (tel.)
(410) 576-6955 (fax)
jkatz@oag.state.md.us

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of February, 2017, a copy of the foregoing Motion to for Immediate Three-Judge Panel Review and the attached Memorandum of Law were filed and served via the Court's CM/ECF system and separately served via electronic mail upon all counsel of record pursuant to the consent of all parties.

/s/ Stephen M. Medlock

Michael B. Kimberly, Bar No. 19086
mkimberly@mayerbrown.com
Paul W. Hughes, Bar No. 28967
Stephen M. Medlock, *pro hac vice*
E. Brantley Webb, *pro hac vice*
Mayer Brown LLP
1999 K Street NW
Washington, D.C. 20006
(202) 263-3127 (office)
(202) 263-3300 (facsimile)