

**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), prior extension of discovery (Dkt. 137), and Federal Rule of Civil Procedure 16, Plaintiffs and Defendants respectfully move for an order extending certain discovery and expert witness deadlines pending the Court's ruling on Defendants' Motion for Review by Three-Judge Court of Judge Bredar's ruling on legislative privilege. Dkt. 139.

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 certain discovery and expert witness deadlines by two weeks from the date of the Court's ruling on legislative privilege.

Discovery in this case has not yet 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 have been stayed pending the full Court's ruling. Further, Defendants' document productions have likewise been stayed pending the outcome of the Court's

decision on legislative privilege. Beyond that, the 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 fact discovery that is subject to the outstanding motions concerning legislative privilege and control of documents; parties shall submit a joint status report regarding the status of discovery and their positions regarding the necessity of summary judgment motions practice	March 3, 2017	14 days following the full Court's order on the outstanding motions concerning legislative privilege and control of documents
Plaintiffs' Rule 26(a)(2) disclosures	March 3, 2017	14 days following the full Court's order on the outstanding motions concerning legislative privilege and control of documents
Defendant's Rule 26(a)(2) disclosures	March 31, 2017	28 days following Plaintiffs' Plaintiffs' Rule 26(a)(2) disclosures
Plaintiff's rebuttal Rule 26(a)(2) disclosures	April 7, 2017	7 days following Defendant's Rule 26(a)(2) disclosures
Rule 26(e)(2) supplementation of disclosures and responses	April 14, 2017	7 days following Plaintiff's rebuttal Rule 26(a)(2) disclosures
Expert discovery deadline; submission of status report	April 14, 2017	7 days following Plaintiff's rebuttal Rule 26(a)(2) disclosures

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: March 3, 2017

Respectfully submitted,

/s/ Michael B. Kimberly

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March, 2017, a copy of the foregoing was 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

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