

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Georgia State Conference of the  
NAACP, *et al.*,

Plaintiffs,

v.

BRIAN KEMP, in his official capacity  
as Secretary of State for the State of  
Georgia,

Defendant.

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AUSTIN THOMPSON *et al.*,

Plaintiffs,

v.

BRIAN KEMP, in his official capacity  
as Secretary of State for the State of  
Georgia,

Defendant.

Case No. 1:17-cv-01427-  
TCB-WSD-BBM

CONSOLIDATED CASES

**JOINT MOTION FOR EXTENSION OF DEADLINES IN JOINT  
PRELIMINARY REPORT AND DISCOVERY PLAN**

Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiffs Austin Thompson et al. (“Thompson Plaintiffs”) and Defendant (“the Parties”) in the above-captioned case, by counsel, respectfully move the Court to enter the attached Agreed Order modifying the current deadlines previously ordered by the Court with respect to the Thompson Plaintiffs’ Section 2 claim for: (1) expert

disclosures; (2) the close of discovery; and (3) dispositive motions. The requested modifications are to the current deadlines established by the Court's Scheduling Order (which adopted the deadlines in the Parties' Joint Preliminary Report and Discovery Plan) dated April 11, 2018 (ECF No. 144).

### **Expert Discovery**

The Parties request that the Court modify the current schedule to require that the Thompson Plaintiffs' expert disclosures are due on **August 6, 2018**; Defendant's expert disclosures are due on **September 10, 2018**; and the Thompson Plaintiffs' rebuttal expert disclosures are due on **September 24, 2018**.

### **Close of Discovery**

The Parties request that the Court modify the current schedule to require that the close of discovery is **October 12, 2018**.

### **Dispositive Motions**

The Parties request that the Court modify the current schedule to require that dispositive motions be filed by **November 2, 2018**; the deadline for responses to dispositive motions is **November 30, 2018**; and the deadline for replies to responses to dispositive motions is **December 14, 2018**.

In support of this Motion, the Parties state as follows:

1. Rule 16(b)(4) allows for the modification of a court's scheduling order "for good cause and with the judge's consent." The touchstone of good cause under

Rule 16(b) is diligence. *Bowers v. American Heart Ass'n*, 513 F. Supp.2d 1364, 1367 (N.D. Ga. 2007). Here, the Parties have been working together diligently and cooperatively to complete discovery and proceed with expert disclosures according to the Court's Scheduling Order. Nonetheless, delays in discovery and limitations on the availability of the Parties' expert witnesses require the Parties to request an extension to the current schedule.

2. Specifically, the primary election date of May 22 made it difficult for Defendant to respond to the Thompson Plaintiffs' Second Set of Document Requests and First Set of Interrogatories by the deadlines set by the Federal Rules. Accordingly, Plaintiffs granted Defendant a two-week extension to respond to the requests. With the extension, the current deadline for Defendant's responses to Plaintiffs' discovery is June 11 — the same day that Plaintiffs' expert disclosures are due. Given that Plaintiffs' experts need the documents requested by Plaintiffs' counsel in discovery in order to complete their expert analyses, the delays in discovery will affect Plaintiffs' experts' ability to meet the current expert disclosure deadlines.

3. In addition, counsel for the Thompson Plaintiffs and Defendant are continuing to work cooperatively to determine the extent to which Defendant has in his possession other expert-related data and documents Plaintiffs have requested. As a result, the discovery process is taking longer than anticipated.

4. Further, the shifting deadlines have in some cases coincided with times that the Parties' experts are unavailable to work on expert analysis for this litigation.

5. Accordingly, the Parties seek to move the expert disclosure schedule back by six weeks, and to adjust the resulting deadlines accordingly.

6. Granting the Parties' request would result in modifying the current schedule with respect to the Thompson Plaintiffs' Section 2 claim as follows:

<b>DESCRIPTION</b>	<b>CURRENT DEADLINE</b>	<b>PROPOSED EXTENSION</b>
<b>PLAINTIFFS' EXPERT DISCLOSURES</b>	<b>June 11, 2018</b>	<b>August 6, 2018</b>
<b>DEFENDANTS' EXPERT DISCLOSURES</b>	<b>July 11, 2018</b>	<b>September 10, 2018</b>
<b>PLAINTIFFS' REPLY EXPERT DISCLOSURES</b>	<b>July 25, 2018</b>	<b>September 24, 2018</b>
<b>CLOSE OF DISCOVERY</b>	<b>August 9, 2018</b>	<b>October 12, 2018</b>
<b>DISPOSITIVE MOTIONS DUE</b>	<b>September 10, 2018</b>	<b>November 2, 2018</b>
<b>DISPOSITIVE MOTIONS (RESPONSES)</b>	<b>October 1, 2018</b>	<b>November 30, 2018</b>
<b>DISPOSITIVE MOTIONS (REPLIES)</b>	<b>October 15, 2018</b>	<b>December 14, 2018</b>

All other deadlines in the Parties' Joint Preliminary Report and Discovery Plan would remain the same.

\* \* \*

For this good cause shown, the Parties respectfully request that the Court enter the attached Consent Order modifying the current expert disclosure, close of discovery, and dispositive motions deadlines.

June 7, 2018

Respectfully submitted,

By: /s/ Aria C. Branch

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2018 I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record in this case.

*/s/ Aria Branch* \_\_\_\_\_  
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CONSOLIDATED CASES

**AGREED ORDER GRANTING THE PARTIES' JOINT MOTION FOR  
EXTENSION OF DEADLINES IN JOINT PRELIMINARY REPORT AND  
DISCOVERY PLAN**

THIS MATTER came to be heard upon the Parties' Joint Motion for  
Extension of Deadlines in the Parties' Joint Preliminary Report and Discovery  
Plan.



UPON CONSIDERATION WHEREOF AND FOR GOOD CAUSE

SHOWN, it is hereby:

ORDERED that the Thompson Plaintiffs' expert disclosures are due on August 6, 2018; Defendant's expert disclosures are due on September 10, 2018; and the Thompson Plaintiffs' rebuttal expert disclosures are due on September 24, 2018.

ORDERED that the close of discovery is October 12, 2018.

ORDERED dispositive motions be filed by November 2, 2018; the deadline for responses to dispositive motions is November 30, 2018; and the deadline for replies to responses to dispositive motions is December 14, 2018.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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UNITED STATES DISTRICT JUDGE

Date: June 7, 2018

SEEN AND AGREED:

By: /s/ Aria C. Branch  
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