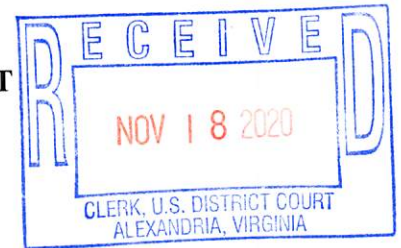


IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



David P. Donovan

Plaintiff,

v.

Beth A. Wilkinson,

Defendant.

Civil Action No. 1:20-cv-1344

DEFENDANT'S MOTION TO MODIFY SCHEDULING ORDER

On November 12, 2020, this Court issued a scheduling order (Dkt. No. 12) requiring Defendant to respond to Plaintiff's motion for a preliminary injunction by this Friday, November 20, 2020. However, neither party received electronic notice of that order when it was issued, and counsel for Defendant has yet to receive a hard copy. Counsel for plaintiff received a hard copy via the mails yesterday and informed counsel for Defendant of the order this morning during a meet and confer.

Defendant hereby moves this Court to extend her time to respond to Plaintiff's motion to Tuesday, November 24, 2020. In support thereof, Defendant states as follows:

1. Under Local Rule 7(F)(1), Defendant would typically have 14 days to file "a response brief and such supporting documents as are appropriate." Until receiving notice of the scheduling order this morning, Defendant was operating under the assumption that her response brief and supporting materials would not be due before Monday, November 23, which is 14 days after Plaintiff filed his motion.

2. It would be unfair to Defendant to compress the time to respond here beyond the typical period called for by the Local Rules. Rather, a modest, one-day extension beyond the customary 14-day period is needed here, for the following reasons.

3. Plaintiff filed a voluminous evidentiary submission in support of his motion, which he clearly took substantial time to assemble. Defendant should be afforded adequate time to respond.

4. Defendant does not merely intend to file a response brief. Instead, Defendant is also gathering materials in support, including declarations. These materials will assist the Court and the Plaintiff in preparing for the hearing scheduled on November 30, 2020, and will help ensure that the evidentiary hearing itself is efficient and focused on the issues the Court deems pertinent. But the gathering and preparation of such materials takes time and coordination.

5. Defendant cannot file a response or submit declarations without consulting with her client. That is so because the response necessarily addresses the conduct of the ongoing investigation that Wilkinson Stekloff LLP is performing for the NFL.

6. In addition, work on the underlying investigation is ongoing. Indeed, Wilkinson Stekloff LLP is interviewing Daniel Snyder today. That interview and the preparation for it have occupied a substantial portion of Defendant's time this week.

7. The Court has also ordered the parties to negotiate and brief issues on document redaction and the November 30 hearing, and to appear before Judge Davis on those issues this Friday, November 20. Based on the parties' meet and confer, the parties have a substantial disagreement about the scope of any redactions and sealing procedures in the case. Negotiating, briefing, and arguing those issues will take up time and prevent the undersigned counsel from completing a response to Plaintiff's preliminary injunction motion as currently scheduled.

For all the above reasons, Defendant asks the Court to reset his deadline for responding to Plaintiffs' preliminary injunction motion to next Tuesday, November 24, 2020. In return, Defendant has no objection to moving Plaintiff's reply due date back to Saturday, November 28, 2020.

Dated: November 18, 2020

Respectfully submitted,

Defendant

By: /s/ Thomas G. Connolly
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Thomas B. Mason (*pro hac vice forthcoming*)
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Counsel for Defendant

CERTIFICATE OF CONFERENCE

I hereby certify that on this date, I conferred with counsel for Plaintiff, who oppose this motion.

Dated: November 18, 2020

/s/ Thomas G. Connolly
Thomas G. Connolly

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused a true copy of the foregoing to be served by email on the following:

Cathy A. Hinger
Lela M. Ames
WOMBLE BOND DICKINSON LLP
1200 Nineteenth Street, NW, Suite 500
Washington, D.C. 20036

Dated: November 18, 2020

/s/ Thomas G. Connolly
Thomas G. Connolly