

JEFFREY BOSSERT CLARK
Assistant Attorney General
JEFFREY H. WOOD
Acting Assistant Attorney General
Environment & Natural Resources Division
U.S. Department of Justice

LISA LYNNE RUSSELL, Chief
GUILLERMO A. MONTERO, Assistant Chief
SEAN C. DUFFY (NY Bar No. 4103131)
MARISSA PIROPATO (MA Bar No. 651630)
CLARE BORONOW (admitted to MD bar)
FRANK J. SINGER (CA Bar No. 227459)
ERIKA NORMAN (CA Bar No. 268425)
Trial Attorneys
Natural Resources Section
601 D Street NW
Washington, DC 20004
(202) 305-0445
Erika.norman@usdoj.gov

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

KELSEY CASCADIA ROSE JULIANA, *et al.*, Case No.: 6:15-cv-01517-AA

Plaintiffs,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

**EXPEDITED CONSIDERATION
REQUESTED**

**DEFENDANTS' MOTION FOR A ONE
WEEK EXTENSION OF TIME TO
FILE THEIR REPLY IN SUPPORT OF
THEIR MOTION *IN LIMINE* TO
EXCLUDE CERTAIN TESTIMONY OF
SIX EXPERTS (ECF NO. 371)**

DEFS.' MOT. FOR EXTENSION
OF TIME TO FILE REPLY

Defendants respectfully move for a one week extension of time—until November 23, 2018—for Defendants to file their Reply in Support of their Motion *in Limine* to Exclude Certain Testimony of Six Experts (ECF No. 371). This request is made for good cause as follows:

1. Whereas on October 15, 2018, Defendants timely filed their Motion *in Limine* to Exclude Certain Testimony of Six Experts (ECF No. 371);

2. Whereas on October 19, 2018, the Supreme Court stayed discovery and trial in this case (ECF No. 399);

3. Whereas on November 2, 2018, the Supreme Court vacated the stay (ECF No. 416);

4. Whereas on November 2, 2018, Plaintiffs filed their Response in Opposition to Defendants' Motion *in Limine* to Exclude Certain Testimony of Six Experts (ECF No. 409);

5. Whereas on the same day, Plaintiffs also filed a (i) Request for Immediate Status Conference (ECF No. 405), (ii) Response to Request for Judicial Notice of Congressional Hearing Reports (ECF No. 406), (iii) Response in Opposition to Motion in Limine to Strike the Improper Rebuttal Report and Exclude the Testimony of Dr. Jefferson (ECF No. 407), (iv) Response in Opposition to Motion to Strike Proposed Pretrial Order (ECF No. 411), (v) Response in Opposition to Motion to Strike Plaintiffs' Trial Exhibit List (ECF No. 413), and (vi) Motion for Reconsideration of Order on Motion in Limine (ECF No. 415);

6. Whereas Defendants' Reply in Support of their Motion *in Limine* to Exclude Certain Testimony of Six Experts is currently due November 16, 2018;

7. Whereas the trial attorney who drafted Defendant's Motion *in Limine* to Exclude Certain Testimony of Six Experts is unable, due to other case commitments, to meet the November 16 Reply deadline;

8. Whereas three other trial attorneys are traveling to take two of Plaintiffs' rebuttal expert depositions on November 15 and 16;

9. Whereas inclement weather and school closures in the Washington, D.C. metro area on November 15 prevented other trial attorneys from preparing the Reply;

10. Whereas Defendants are not seeking an extension of time to file any other briefs currently due between November 15 and November 20;

11. Whereas Plaintiffs would not be prejudiced by the granting of a one-week extension for Defendants to file their Reply to one motion in limine, because trial has been stayed by the Ninth Circuit and this Court has indicated it will not set a pre-trial conference until the stay is lifted;

12. Whereas, in light of the Ninth Circuit's stay order and Defendants' intention to timely file their responses to the motions listed in paragraph five on November 16, a one-week extension on this single brief will not affect the orderly progression of litigation in this case. Defendants' Reply in Support of their Motion to Exclude the Expert Testimony of Catherine Smith (ECF No. 379) is due November 20 and Defendants intend to file their Reply by that date.

For all of the foregoing reasons, Defendants respectfully request that the Court grant this motion to extend the deadline to file a Reply in Support of the Motion *in Limine* to Exclude Certain Testimony of Six Experts by one week, until November 23, 2018. On November 15, 2018, Defendants conferred with Plaintiffs regarding this Motion. Plaintiffs oppose this Motion for a one-week extension, but would not have opposed an extension of one business day, until November 19. Plaintiffs did not provide their position on expedited consideration.

DATED: November 15, 2018

Respectfully submitted,

JEFFREY BOSSERT CLARK
Assistant Attorney General
JEFFREY H. WOOD
Acting Assistant Attorney General
Environment & Natural Resources Division

/s/ Erika Norman

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