

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____		)	
DICK ANTHONY HELLER, <i>et al.</i> ,		)	
		)	
Plaintiffs,		)	
		)	Civil Action No. 08-01289 (JEB)
v.		)	
		)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,		)	
		)	
Defendants.		)	
_____		)	

**DEFENDANT DISTRICT OF COLUMBIA’S  
CONSENT MOTION FOR AN EXTENSION OF TIME  
AND TO MODIFY THE SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 6(b)(1) and 7(b), Defendant the District of Columbia (the “District”) hereby moves this Honorable Court to modify its Scheduling Order, dated September 19, 2012, by extending each of the remaining discovery deadlines by approximately 30 days, as follows:

1. The parties’ Rule 26(a)(2) expert disclosures shall be exchanged no later than **March 25, 2013**. Rebuttal expert disclosures, if any, shall be exchanged within 30 days after the other party’s disclosure;
2. Depositions of expert witnesses shall commence no earlier than **May 8, 2013**; and
3. All discovery, including expert discovery, shall be completed by **June 10, 2013**.

The District’s Memorandum of Points and Authorities in support of this request is attached hereto and incorporated by reference herein. A proposed Order also is attached hereto.

Pursuant to LCvR 7(m), the undersigned counsel discussed the instant motion by electronic mail and telephone on February 20, 2013, with opposing counsel, who consent to the relief requested herein.

WHEREFORE, the District respectfully requests that this Honorable Court:

- A. Grant the District's Consent Motion for an Extension of Time and to Modify the Scheduling Order, and
- B. Grant the District such other and further relief as the nature of its cause may require.

Dated: February 20, 2013

IRVIN B. NATHAN  
Attorney General for the District of Columbia

ELLEN A. EFROS  
Deputy Attorney General  
Public Interest Division

/s/ Melissa Baker  
MELISSA BAKER, D.C. Bar No. 499368  
Acting Chief, Equity Section  
441 Fourth Street, NW  
Sixth Floor South  
Washington, DC 20001  
Telephone: (202) 442-9887  
Facsimile: (202) 730-1499  
Email: melissa.baker@dc.gov

/s/ Andrew J. Saindon  
ANDREW J. SAINDON, D.C. Bar No. 456987  
Assistant Attorney General  
Equity Section  
441 Fourth Street, N.W., 6<sup>th</sup> Floor South  
Washington, D.C. 20001  
Telephone: (202) 724-6643  
Facsimile: (202) 730-1470  
andy.saindon@dc.gov

/s/ Chad A. Naso  
CHAD A. NASO [1001694]  
Assistant Attorney General  
Office of the Attorney General, DC  
441 Fourth Street, NW  
Sixth Floor South  
Washington, DC 20001  
(202) 724-7854 (o)  
(202) 741-8951 (f)  
chad.naso@dc.gov

*Counsel for Defendants*



proposed Fourth Amended Complaint adds two additional Plaintiffs – each of whom purportedly is “blind” within the meaning of the District’s firearms registration laws – as well as a new claim under the Americans with Disabilities Act. The District has informed Plaintiffs’ counsel that it will oppose Plaintiffs’ request for leave to file a Fourth Amended Complaint.

3. As the parties’ Rule 26(a)(2) expert disclosures currently are due to be exchanged **next Monday, February 25<sup>th</sup>**, the District submits that an extension of the discovery schedule is needed to allow time for the parties to brief the issue of whether Plaintiffs should be granted leave to file their proposed Fourth Amended Complaint.

4. Accordingly, the District requests that the current discovery schedule be extended by a period of approximately 30 days, as follows:

- a. The parties’ Rule 26(a)(2) expert disclosures shall be exchanged no later than **March 25, 2013**. Rebuttal expert disclosures, if any, shall be exchanged within 30 days after the other party’s disclosure;
- b. Depositions of expert witnesses shall commence no earlier than **May 8, 2013**; and
- c. All discovery, including expert discovery, shall be completed by **June 10, 2013**.

5. If the Court grants Plaintiffs’ leave to file a Fourth Amended Complaint, the District submits that it may need additional time, beyond the extension request above, to amend its expert disclosures to address the issues raised in the Plaintiffs’ proposed amended pleading and to depose the newly identified plaintiffs.<sup>1</sup>

6. The District also notes that, under the current schedule, the parties are ordered to appear for a status conference on May 14, 2013. Minute Order (Jan. 17, 2013). The District

---

<sup>1</sup> The District anticipates that, once Plaintiffs file their motion for leave, the parties will work together to agree on a joint schedule to brief that motion. At that time, the District may seek a stay of discovery pending a ruling on Plaintiffs’ motion.

does not take a position, and will leave it to the Court's discretion, as to whether this status conference should be vacated if the instant motion is granted.

7. The extension of time requested in the District's motion is not sought for any improper purpose, but to insure that there is an efficient and workable schedule in place in order to develop the record with all material information regarding Plaintiffs' claims.

8. The District submits that the above represents good cause for the requested enlargement of time under Fed. R. Civ. P. 6(b)(1).

9. There is no prejudice to the Plaintiffs in this brief extension of the discovery schedule. Indeed, counsel for the Plaintiffs have consented to the relief sought herein.

10. Based on the above, the District respectfully requests that this Honorable Court enter an order pursuant to Fed. R. Civ. P. 6(b)(1), to amend the schedule such that each of the discovery deadlines are extended by approximately 30 days, as detailed herein.

DATE: February 20, 2013

IRVIN B. NATHAN  
Attorney General for the District of Columbia

ELLEN A. EFROS  
Deputy Attorney General  
Public Interest Division

/s/ Melissa Baker  
MELISSA BAKER, D.C. Bar No. 499368  
Acting Chief, Equity Section  
441 Fourth Street, NW  
Sixth Floor South  
Washington, DC 20001  
Telephone: (202) 442-9887  
Facsimile: (202) 730-1499  
Email: melissa.baker@dc.gov

/s/ Andrew J. Saindon  
ANDREW J. SAINDON, D.C. Bar No. 456987  
Assistant Attorney General  
Equity Section

441 Fourth Street, N.W., 6<sup>th</sup> Floor South  
Washington, D.C. 20001  
Telephone: (202) 724-6643  
Facsimile: (202) 730-1470  
andy.saindon@dc.gov

/s/ Chad A. Naso

CHAD A. NASO [1001694]  
Assistant Attorney General  
Office of the Attorney General, DC  
441 Fourth Street, NW  
Sixth Floor South  
Washington, DC 20001  
(202) 724-7854 (o)  
(202) 741-8951 (f)  
chad.naso@dc.gov

*Counsel for Defendants*