

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

SPRUCE ENVIRONMENTAL  
TECHNOLOGIES, INC.,

Plaintiff,

vs.

FESTA SUNN ENTERPRISES, INC. d/b/a  
FESTA RADON TECHNOLOGIES, CO.,

Defendant.

CIVIL ACTION NO. 1:15-cv-11521-NMG

**JOINT MOTION TO AMEND THE SCHEDULING ORDER**

The Plaintiff and Defendant in the above-captioned case hereby respectfully request that the Court amend the Scheduling Order amended on July 22, 2016.

In support of this motion, the parties state as follows:

1. Under the amended Scheduling Order, expert depositions were to be completed by August 31, 2016, summary judgment motions served by September 30, 2016, oppositions served by October 31, 2016, a final pre-trial is scheduled for January 10, 2017.
2. After this schedule was set, the parties have completed nearly all of the expert discovery, except for one deposition, which will likely be scheduled on a date certain at the end of September.
3. The delay in completing expert discovery has not resulted from any dilatory tactics by either side, but has been a function of conflicting business and personal schedules of both witnesses and counsel.

*Joint motion allowed, as amended (see p. 2).*

*J. M. Gorton, USDJ 9/29/16*

4. Consequently, the parties need additional time to take the last remaining expert deposition and complete expert discovery. The parties believe that they can complete the foregoing discovery by the end of September or the first week of October. Accordingly, the Parties request that the Scheduling Order be amended and set as follows:

- Expert discovery to be completed by October 7, 2016;
- Summary judgment motions to be served by November 7, 2016;
- Summary judgment oppositions to be served by December 7, 2016; and
- The final pretrial conference be held on <sup>Tues.,</sup> February 14, 2017, <sup>at 3:00 p.m.</sup> ~~or a date during~~ ~~that week convenient to the Court.~~ NMG

WHEREFORE, the parties respectfully request that the Court allow the forgoing joint motion and amend the Scheduling Order to accommodate the parties' needs for completion of expert discovery.

Respectfully submitted,

The Plaintiff,  
**SPRUCE ENVIRONMENTAL  
TECHNOLOGIES, INC.**  
By its attorneys,

The Defendant,  
**FESTA SUNN ENTERPRISES, INC. D/B/A  
FESTA RADON TECHNOLOGIES, CO.,**  
By its attorney,

/s/ Michael J. Duffy  
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Dated: September 15, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2016, I served the foregoing document upon Defendant by electronically filing a copy using the CM/ECF system.

/s/ Michael J. Duffy  
Michael J. Duffy