

IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
 DURHAM DIVISION
 Civil Action No.: 1:08-CV-0854-UA-WWD

DUKE UNIVERSITY; DUKE UNIVERSITY)
 HEALTH SYSTEM, INC.,)

Plaintiffs,)

v.)

NATIONAL UNION FIRE INSURANCE)
 COMPANY OF PITTSBURGH, PA.,)

Defendant.)

**AMENDED
 CONSENT MOTION FOR EXTENSION
 OF TIME TO COMPLETE DISCOVERY**

Plaintiffs Duke University and Duke University Health System, Inc., (“Duke”) and Defendant National Union Fire Insurance Company of Pittsburgh, PA. (“National Union”) hereby move this Court, pursuant to Local Civil Rule 6.1, for a sixty (60) day extension of time to complete discovery. In support of this motion, Plaintiffs and Defendant show the following:

1. This case arises out of a dispute between the parties as to National Union’s obligations pursuant to successive insurance policies issued by National Union to Duke with respect to multiple actions and other claims which have been asserted against Duke.
2. Settlement discussions are ongoing in this case.
3. The parties have participated in a full day of mediation with an agreement to reconvene the mediation at a mutually convenient time.
4. Scheduling difficulties have arisen, however, as National Union’s point person for this litigation has been undergoing radiation treatment for cancer for several months.

5. The parties are now able to reconvene for mediation on November 4, 2010.

6. The present Scheduling Order sets November 4, 2010, as the completion date for all discovery.

7. The parties are hopeful that they will be able to resolve this dispute at the November 4 mediation and have agreed that it is preferable to avoid incurring significant expenses prior to that time. Thus, in order to conserve resources and promote judicial efficiency, the parties seek to amend the Scheduling Order as follows:

- a. The date for completion of all discovery shall be January 4, 2011;
- b. The deadline for expert reports for parties bearing the burden of proof on a particular issue will be one month prior to the close of discovery (December 7, 2010); the deadline for rebuttal expert reports will be two weeks prior to the close of discovery (December 21, 2010);
- c. Parties will make expert witnesses and non-expert witnesses available for depositions prior to the close of discovery; and
- d. All potentially dispositive motions shall be filed thirty days after the close of discovery.

8. Good cause exists under Fed. R. Civ. P. 16(b) for a short extension of the discovery timeline in this case.

9. The parties believe that the proposed sixty (60) day extension would promote judicial efficiency in this case.

WHEREFORE, the parties respectfully pray the Court that:

1. Their motion for a sixty (60) day extension of time to complete discovery be granted;
2. That the date for completion of all discovery shall be January 4, 2011;
3. The deadline for expert reports for parties bearing the burden of proof on a particular issue will be one month prior to the close of discovery (December 7, 2010) and the deadline for rebuttal expert reports will be two weeks prior to the close of discovery (December 21, 2010);
4. That the parties will make expert witnesses and non-expert witnesses available for depositions prior to the close of discovery;
5. That all potentially dispositive motions shall be filed thirty (30) days after the close of discovery; and
6. This court grant the parties such other and further relief as it deems just and proper.

This the 8th day of October, 2010.

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