

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KAREN MCPETERS, individually, and on)
Behalf of those individuals, persons and)
entities who are similarly situated,)
Plaintiff,)

V.)

CIVIL ACTION NO. 4:10cv1103

THE HONORABLE FREDERICK E.)
EDWARDS, BARBARA GLADDEN)
ADAMICK, DISTRICT CLERK;)
MONTGOMERY COUNTY, TEXAS, and)
REED ELSEVIER, INC., d/b/a)
LexisNexis,)
Defendants.)

**UNOPPOSED JOINT MOTION TO EXTEND DATES IN THE JOINT
DISCOVERY/CASE MANAGEMENT PLAN**

Counsel for Defendants the Honorable Frederick E. Edwards, Barbara Gladden Adamick, Montgomery County, Texas and LexisNexis,¹ a division of Reed Elsevier Inc. (“Defendants”) hereby request the Court to extend the following dates indefinitely until Defendants’ motions to dismiss have been ruled upon by this Court:² (1) the November 5, 2010 date set forth in the joint discovery/case management plan for Defendants to send Plaintiff interrogatories; (2) the November 24, 2010 date set forth in the joint discovery/case management plan for Plaintiff to take the deposition of each defendant; (3) the December 5, 2010 date set forth in the joint discovery/case management plan for Defendants to depose Plaintiff and Robert L. Mays, Jr.; (4)

¹ Improperly pled as Reed Elsevier, Inc., d/b/a LexisNexis by Plaintiff.

² These discovery dates are also subject to class certification by the Court and to the Court’s ruling on the absolute immunity issues raised by Defendants in their motions to dismiss. See Petrus v. Bowen, 833 F.2d 581, 583 (5th Cir. 1987) (citing Landis v. N. Am. Co., 299 U.S. 248, 254, 57 S.Ct. 163, 166, 81 L.Ed. 153 (1936) (holding that trial courts have broad discretion and inherent power to stay discovery until such time as preliminary questions that can dispose of the case are answered); see also Scroggins v. Air Cargo, Inc., 534 F.2d 1124, 1133 (5th Cir. 1976)).

the February 4, 2011 deadline for Plaintiff to designate her expert pursuant to Rule 26(a)(2)(B); (5) the March 4, 2011 deadline for Defendants to designate their experts pursuant to Rule 26(a)(2)(B); and (6) the May 4, 2011 deadline to complete discovery. Defendants request that if a ruling in favor of Plaintiff occurs on any of Defendants' motions to dismiss, Plaintiff and Defendants shall be required to submit a proposed scheduling order within 14 days of the ruling, proposing new deadlines for the completion of fact and expert discovery.

Defendants request the Court to grant this motion to extend the dates set forth in the Joint Discovery/Case Management Plan and request any other, further, or alternative relief to which they are entitled.

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Defendants certify that they conferred with Mr. Robert L. Mays, Jr., the attorney-in-charge for Plaintiff Karen McPeters, concerning this Motion on November 4, 2010 via electronic mail. Mr. Mays informed Defendants that he does not oppose this motion.

/s/ Miranda R. Tolar

Miranda R. Tolar

CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2010, a true and correct copy of the foregoing instrument was forwarded via electronic delivery pursuant to local rules, *to-wit*:

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