

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

_____)	
ANNE PEARSE-HOCKER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:10-cv-458 (CMH/TRJ)
)	
FIRELIGHT MEDIA, INC.,)	
)	
Defendant.)	
_____)	

**PLAINTIFF'S BRIEF IN SUPPORT OF HER UNOPPOSED MOTION
TO AMEND THE SCHEDULING ORDER AND
EXTEND THE TIME TO SERVE RULE 26(a) EXPERT DISCLOSURES**

Plaintiff, Anne Pearse-Hocker ("Pearse-Hocker"), by and through her undersigned counsel, respectfully submits this brief in support of her motion to amend the scheduling order and extend the time to serve Rule 26(a) expert disclosures by seven days. In support of her motion, Plaintiff states as follows:

1. Pursuant to the Parties' Revised Joint Discovery Plan [Dkt. 13] and the Court's Rule 16(b) Scheduling Order [Dkt. 15], Plaintiff's Rule 26(a) expert disclosure is due today, September 24, 2010.
2. While Plaintiff has retained a valuation expert and received an informal opinion, since the mediation held with the Court on September 14, 2010, the Parties' settlement discussions have continued, as has the sharing of confidential information for settlement purposes. Discussions have advanced to the stage where the undersigned feel that the Parties are close to achieving terms that would be acceptable to both Parties in short order.

3. Plaintiff desires to see whether the parties are able to successfully conclude the settlement discussions and arrive at settlement terms prior to undergoing the significant additional expense of having her retained expert prepare a formal report.

4. Plaintiff anticipates that, given the advancement of settlement discussions to date, Plaintiff will have a strong sense of whether the Parties will be able to reach an agreeable settlement in the near term by next Friday, October 1, 2010.

5. Federal Rule of Civil Procedure 6(b)(1) provides that the Court may, "for good cause," extend the time for Plaintiff to serve her expert report.

6. The undersigned are fully aware that, pursuant to Local Civil Rule 7(I), requests for extensions of time are generally looked upon with disfavor by this Court. However, given the advancement of settlement discussions to date, the undersigned respectfully suggest that the short extension requested herein will aid the parties in advancing their settlement discussions while also preserving the Parties' limited financial resources to the greatest extent possible.

7. The requested seven-day extension will not prejudice Defendant, as Plaintiff is simultaneously requesting that the Court grant Defendant an additional seven days, up to October 29, 2010 (from the initial deadline of October 22, 2010), for Defendant to serve its expert disclosure. Further, ample time will remain for conducting expert depositions, as the deadline for doing so in this case is the close of discovery, November 12, 2010. Indeed, counsel for Defendant advises that Defendant does not oppose the motion.

8. Based on the foregoing, Plaintiff respectfully submits that good cause exists for the requested brief extension of time up to and including October 1, 2010, for Plaintiff to serve her Rule 26(a) expert disclosure and for an appropriate corresponding modification to be made to the scheduling order with respect to Defendant's deadline.

A proposed order is enclosed.

Respectfully submitted,

THOMPSON HINE LLP

Dated: September 24, 2010

By: /s/ Eric Heyer

Eric N. Heyer

Virginia Bar No. 73037

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