

that while discovery (which has yet to commence) may very well yield additional information justifying the addition of unknown defendant(s), Plaintiff would not have the opportunity to add such parties to the action since the current Scheduling Order does not allow any time for such discovery and/or joinder.

Plaintiff therefore requests amendment of the Scheduling Order either (1) to include “joinder of additional parties on or before twenty (20) days prior to the discovery cutoff” so that motions for joinder of additional parties, if any, would be required to be filed on or before twenty (20) days prior to discovery cutoff, or (2) in the alternative, to set a trial date further out as to allow a longer period of time for joinder prior to the discovery cutoff, so that additional defendants may be added with adequate time and fair opportunity to defend.

It is respectfully submitted that the requested extension would allow Plaintiff a reasonable, fair and just opportunity to conduct discovery relating to the identity of potential additional defendants and to join additional parties in the event that discovery identifies the involvement of additional parties in the sequence of events culminating in the violation of his rights. Further, such an extension is justified by the fact-specific nature of the claims made in this litigation, the important constitutional interests alleged, and the due process principles inherent in the provisions of Fed.R. Civ. P. Rule 15 permitting liberal amendment or supplementation of pleadings when justice so requires.

Plaintiff further avers that this proposed amendment to the Scheduling Order allows sufficient and appropriate time for Defendants to make necessary preparations to their case because Plaintiff will be compelled to raise any necessary motions for joinder of necessary parties at least seventy-five (75) days prior to trial.

WHEREFORE, for the reasons stated herein, Plaintiff respectfully requests that the Court extend the time in which Plaintiff may move for the joinder of additional party Defendants, if any.

Dated this 22nd of July, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2011, the foregoing Plaintiff's Motion to Extend Time for Joinder of Additional Party Defendants was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to:

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