

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MICHAEL E. KELLY, *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 21-1949C
(Judge Kathryn C. Davis)

**MOTION OF PLAINTIFFS FOR FURTHER MODIFICATION OF BRIEFING
SCHEDULE ON MOTION TO DISMISS (UNOPPOSED)**

On August 5, 2022, by text order, the Court modified the briefing schedule to accommodate Plaintiffs' intent to substitute new counsel before litigation begins. *See* RCFC 83.1(c)(4)(A). Since then, Plaintiffs have undertaken a vetting process for new counsel. Because this process requires additional time for completion, Plaintiffs respectfully request further modification of the briefing schedule. *See* RCFC 16(b)(4).

Currently, the Government's motion to dismiss is due by November 1, 2022 (with Plaintiffs' Response and the Government's Reply due by December 13, 2022, and January 20, 2023, respectively).

Barring unforeseeable circumstances, Plaintiffs will substitute new counsel of record by December 1, 2022. Accordingly, to allow new counsel to appear before the start of litigation, Plaintiffs propose the following modification to the briefing schedule:

<u>ACTION</u>	<u>DATE</u>
United States Files Motion to Dismiss	December 16, 2022
Plaintiffs File Response	February 3, 2023
United States Files Reply	March 10, 2023

Plaintiffs appreciate that the Court seeks to manage and resolve cases, including this one, expeditiously and without unnecessary delay. Plaintiffs' request for further modification of the briefing schedule is made in good faith, anticipating a change of counsel in the near future, and not for purposes of delay.

For the reasons stated constituting good cause, Plaintiffs respectfully ask the Court to modify the briefing schedule as set forth above. The Government has advised that this proposed modification is unopposed.¹

Respectfully submitted,

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¹ By telephone and email with Anthony F. Schiavetti, counsel for the United States, on October 19 and 20, 2022.