

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MICHAEL MABEE,

*Plaintiff,*

v.

Civil Action No. 19-3448 (FYP)

FEDERAL ENERGY REGULATORY  
COMMISSION,

*Defendant.*

**DEFENDANT’S UNOPPOSED MOTION FOR  
A MODIFICATION OF THE BRIEFING SCHEDULE**

Defendant, the Federal Energy Regulatory Commission (“FERC”), by and through undersigned counsel, moves pursuant to Federal Rule of Civil Procedure 6(b)(1) for an extension of time for the remaining filings—until July 27, 2022, for Defendant’s Reply to Motion for Summary Judgment and Response to Cross Motion, and until September 13, 2022, for Plaintiff’s Reply to Cross Motion. As grounds for this motion, Defendant states as follows:

1. On February 15, 2022, the Court entered a Minute Order, providing in part:

Upon consideration of the parties' 38 Joint Status Report, Defendant shall file its Motion for Summary Judgment by May 2, 2022; Plaintiff shall file his Opposition and Cross Motion for Summary Judgment by June 13, 2022; Defendant shall file its Reply and Opposition by July 15, 2022; and Plaintiff shall file his Reply by August 15, 2022.

2. On May 2, 2022, the Court granted Defendant’s unopposed motion for extension of time and in a Minute Order directed that:

Defendant's Motion for Summary Judgment is due on May 9, 2022; Plaintiff's Opposition and Cross Motion for Summary Judgment are due on June 13, 2022; Defendant's Reply and Opposition are due on July 6, 2022; and Plaintiff's Reply is due on August 8, 2022.

3. On May 9, 2022, Defendant moved for additional time to file its brief, and on May 10, 2022, the Court granted the motion and extended defendant's filing deadline to May 11, 2022.

4. The undersigned needs additional time to complete the draft of the reply, consult with recently assigned agency counsel, and obtain supervisory review. This relatively brief delay is not unreasonable under the circumstances and will not unduly prejudice the Plaintiff.

5. In accordance with Local Civil Rule 7(m), undersigned counsel conferred *via* e-mail with Plaintiff's Counsel, C. Peter Sorenson, Esquire about this modification of the briefing schedule. Mr. Sorenson graciously consents to this requested extension of time.

6. This is Defendant's third request for an enlargement of time.

7. A proposed order is attached.

Dated: July 1, 2022

Respectfully submitted,

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**[PROPOSED] ORDER**

The matter is before the Court upon the Defendant's unopposed motion for a modification of the summary judgment briefing schedule. Upon consideration of the Defendant's unopposed motion, the entire record herein, and for good cause shown, it is hereby

**ORDERED**, that the motion is **GRANTED**. It is further

**ORDERED**, that Defendant's Reply to Motion for Summary Judgment and Response to Cross Motion shall be filed on or before July 27, 2022. It is further

**ORDERED**, that Plaintiff's Reply to Cross Motion shall be filed on or before September 13, 2022.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**FLORENCE Y. PAN**  
United States District Judge