

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 SECOND 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, and on May 9, 2022, the Court granted Defendant’s unopposed motions for extension of time.

3. On May 11, 2022, Defendant filed its Motion for Summary Judgment. See ECF No. 41.

4. On June 13, 2022, Plaintiff filed his Opposition to Defendant's Motion for Summary Judgment, ECF No. 42, and his Cross-Motion for Summary Judgment, ECF No. 43.

5. Thereafter, on July 1, 2022, Defendant filed an unopposed Motion for a Modification of the Briefing Schedule. ECF No. 44.

6. In a Minute Order entered on July 7, 2022, the Court granted the unopposed motion.

The Minute Order provided:

MINUTE ORDER granting 44 Unopposed MOTION to Modify Briefing Schedule. Defendant's Opposition to Plaintiff's 43 Cross-Motion and Reply in support of its 41 Motion for Summary Judgment are due on July 27; 2022; and Plaintiff's Reply in support of his 43 Cross-Motion for Summary Judgment is due on September 13, 2022.

7. The undersigned needs additional time to complete the draft of the reply, consult with recently assigned agency counsel, and obtain internal supervisory review. During the pendency of the Court's Order, the undersigned has drafted two Circuit briefs, two motions for summary judgment, three motions to dismiss, as well being engaged in two depositions and extensive written discovery.

8. This relatively brief delay is not unreasonable under the circumstances and will not unduly prejudice the Plaintiff.

9. 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.

10. This is Defendant's second request for an enlargement of time relating to this deadline.

11. A proposed order is attached.

Dated: July 27, 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 August 10, 2022. It is further

ORDERED, that Plaintiff's Reply to Cross Motion shall be filed on or before September 27, 2022.

SO ORDERED this _____ day of _____, 2022.

FLORENCE Y. PAN
United States District Judge