

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SIMON BRONNER, MICHAEL
ROCKLAND, CHARLES D. KUPFER, and
MICHAEL L. BARTON,

Plaintiffs,

v.

LISA DUGGAN, CURTIS MAREZ,
AVERY GORDON, NEFERTI TADIAR,
SUNAINA MAIRA, CHANDAN REDDY,
and THE AMERICAN STUDIES
ASSOCIATION

Defendants.

Case No. 16-cv-00740-RC

PLAINTIFFS' AMENDED MOTION TO EXTEND TIME TO ADD PARTIES

Plaintiffs Simon Bronner, Michael Rockland, Charles D. Kupfer, and Michael L. Barton ("Plaintiffs"), by and through their attorneys, hereby move the Court to extend the time to add parties for two weeks, until November 15. This Motion is amended only to update the meet and confer statement in the penultimate paragraph.

On September 9, 2017, Plaintiffs and Defendants ("the Parties") submitted a Joint Status Report to the Court proposing to extend all deadlines by three months, to adjust for delays in discovery. (Dkt. 48.) The Joint Status Report, which was submitted pursuant to this Court's Order of July 21, 2017, states: "***unless there are further delays in the discovery process***, the Parties agree to and propose to the Court the following dates: Last day to add parties: November 1, 2017." The Court adopted the dates proposed in the Joint Status Report by Minute Order on September 14, 2017.

As the Court is aware, there have been significant further delays in the discovery process. On July 21, when the Court ordered the Parties to submit a status report, Defendants agreed to complete their production of documents by August 31, 2017. Defendants did not complete their production on August 31, however.

For example, by August 31, Defendants had produced only 88 documents from Sunaina Maira – perhaps the Defendant most involved in the activities at issue in this case. Seventy-six (76) of those were from a single week period, and not a single document was produced for the critical period of the vote. The productions from other Individual Defendants were also missing documents from important time periods.

Prior to October 17, 2017, Defendants had produced approximately 5,450 documents. On October 17, nearly seven weeks after the August 31 deadline, Defendants produced over 7,000 documents – including 6,781 documents from Defendant Maira. This was a critical mass of documents that had been delayed. Due to issues with the load file, about 6,800 of those documents had to be reproduced on October 18. Thus, Plaintiffs have only had these critical documents for two weeks. Plaintiffs' counsel are reviewing them as quickly possible, and have developed theories to support claims against additional persons based on this very large, recent production. Meanwhile, other documents are still outstanding, including documents from Individual Defendant Chandan Reddy.

When Plaintiffs agreed to the two-month extension for all discovery deadlines, it was with the explicit caveat: “*unless there are further delays* in the discovery process[.]” (Dkt. 48 at p. 1.) If there had not been further delays, there would have been two months to review these documents and prepare an Amended Complaint adding claims against new defendants, instead of only two weeks.

An extension of the deadline to add parties would not prejudice Defendants nor delay the proceedings. The last day of fact discovery is February 15, 2018. That date would not change, as there is sufficient time to complete fact discovery in the three months between November 15, 2017, and February 15, 2018.

