

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

RUSS MCCULLOUGH, RYAN SAKODA,	:	
and MATTHEW ROBERT WIESE,	:	
individually and on behalf of all others	:	
similarly situated,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO.
	:	3:15-cv-001074 (VLB)
v.	:	Lead Case
	:	
WORLD WRESTLING	:	
ENTERTAINMENT, INC.,	:	
	:	
Defendant.	:	

**PLAINTIFFS EVAN SINGLETON AND VITO LOGRASSO'S
MOTION FOR EXTENSION OF DISCOVERY PERIOD**

Plaintiffs Evan Singleton and Vito LoGrasso (“Plaintiffs”) hereby move for a 45-day extension of the discovery period in the above-captioned matter.

1. On January 15, 2016, this Court entered an order partially lifting a stay on discovery and limiting discovery

to facts relevant to the question of (1) whether WWE had or should have had knowledge of and owed a duty to disclose to those plaintiffs the risks of long -term degenerative neurological conditions resulting from concussions or mild traumatic brain injuries to wrestlers who performed for WWE in the year 2005 or later, (2) whether and when WWE may have breached that duty, and (3) whether such a breach, if any, continued after Singleton and LoGrasso ceased performing for WWE.

Order Partially Lifting Stay of Discovery (“Discovery Order”) (Dkt. 107). The Discovery Order further provided that this initial liability phase of discovery would “extend[] no later than June 1, 2016.” *Id.* The parties began the discovery process shortly thereafter.

2. Plaintiffs served requests for production on WWE on February 12, 2016. See Ex. 1, Requests for Production.¹ Pursuant to agreement of the parties, the deadline for WWE's responses was extended, and WWE served its written responses on April 15, 2016. On April 19, 2016, Plaintiffs asked that documents be directed to Katherine Van Dyck's office in Washington, DC. WWE then sent those documents via first class mail on April 20, 2016, and they did not arrive until 4:15 pm on April 25, 2016. The parties are in the process of scheduling a meet and confer regarding these responses, and Plaintiffs anticipate that a motion to compel will be required.² Plaintiffs also served WWE with interrogatories and requests for admission on May 1, 2016.

3. Given the late date on which WWE produced its documents and the likely need for a motion to compel, Plaintiffs' noticing of depositions has been delayed. They noticed a Rule 30(b)(6) deposition of WWE for May 31, 2016, but it seems unlikely that they will have documents required for that deposition on a date that will allow a reasonable time for meaningful review and preparation therefor. See Ex. 2, Notice of Rule 30(b)(6) Deposition. Plaintiffs have also noticed the depositions of various WWE agents and employees for May 17, 20, 23, 24, and 27, 2016. See Ex. 3, Notices of Rule 30(b)(1) Depositions. However, those

¹ Plaintiffs inadvertently served a draft version of these requests on February 8, 2012.

² Defendant World Wrestling Entertainment, Inc. ("WWE") served interrogatories and requests for production on Plaintiffs on January 27, 2016. Pursuant to agreement by the parties, Plaintiffs served initial responses to these discovery requests on March 7, 2016. Following a meet and confer, Plaintiffs served supplemental responses on March 30, 2016. A motion to compel is currently pending before this Court, and Plaintiffs' opposition is due on May 11, 2016.

depositions are likely to be more productive if Plaintiffs are in possession of a complete document production from WWE. Additional time for discovery would also permit Plaintiffs time to take additional depositions.

4. A discovery schedule may be extended “for good cause.” Fed. R. Civ. P. 16(b)(4). In the instant case, the initial discovery period was less than six months long. Plaintiffs are not seeking an extension to submit additional interrogatories or additional requests for production. Rather, Plaintiffs seek the extension of time, so they will have adequate time to compel a complete production of documents from WWE and review those documents in preparation for a Rule 30(b)(6) deposition of WWE and Rule 30(b)(1) depositions of WWE’s agents and employees.

5. In addition to allowing less than six months to complete discovery on the issue of liability, the Court has not entered a scheduling order, and the parties have not exchanged initial disclosures. As a result, Plaintiffs have not had complete information from WWE regarding who possesses discoverable information and have had to rely on WWE’s sparse document production to determine what witnesses they should depose. Thus, Plaintiffs have not been dilatory in pursuing depositions in this matter. See *Whitserve LLC v. Computer Packages, Inc.*, No. 06-CV-01935, 2007 WL 9227098, at *3 (D. Conn. Dec. 20, 2007) (extending discovery where proposed deponents were not included in initial disclosures).

6. This is the first request to extend a discovery period which was less than six months long. This short extension of time, if granted, is not likely to

cause undue delay in this matter, and there is no known unfair prejudice to any party if this motion is granted.

7. Discovery issues were referred to Magistrate Judge Thomas P. Smith on April 28, 2016 (Dkt.126), but a discovery conference has not been scheduled.

8. Counsel for WWE advises that he objects to this request.

For all these reasons, Plaintiffs respectfully request that this Court grant their motion and extend the close of discovery from June 1, 2016 to July 15, 2016. Plaintiffs do not oppose a reciprocal extension of the August 1, 2016 dispositive motion deadline.

DATE: May 6, 2016

Respectfully Submitted,

s/ Michael J. Flannery

Michael J. Flannery
CUNEO GILBERT & LADUCA, LLP
7733 Forsyth Boulevard, Suite 1675
St. Louis, MO 63105
Telephone: (314) 226-1015
Facsimile: (202) 789-1813
mflannery@cuneolaw.com

William M. Bloss
Federal Bar No: CT01008
Koskoff, Koskoff & Bieder
350 Fairfield Avenue
Bridgeport, CT 06604
Telephone: 203-336-4421
Facsimile: 203-368-3244

Konstantine W. Kyros
KYROS LAW OFFICES
17 Miles Rd.
Hingham, MA 02043
Telephone: (800) 934-2921
Facsimile: 617-583-1905
kon@kyroslaw.com

Charles J. LaDuca

CUNEO GILBERT & LADUCA, LLP
8120 Woodmont Avenue, Suite 810
Bethesda, MD 20814
Telephone: (202) 789-3960
Facsimile: (202) 789-1813
charles@cuneolaw.com

Robert K. Shelquist
Scott Moriarity
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Ave., S., Suite 2200
Minneapolis, MN 55401-2179
Telephone: (612) 339-6900
Facsimile: (612) 339-0981
rkshelquist@locklaw.com
samoriarity@locklaw.com

Harris L. Pogust, Esquire
Pogust Braslow & Millrood,LLC
Eight Tower Bridge
161 Washington Street Suite 940
Conshohocken, PA 19428
Telephone: (610) 941-4204
Facsimile: (610) 941-4245
hpogust@pbmattorneys.com

Erica Mirabella
CT Fed. Bar #: phv07432
MIRABELLA LAW LLC
132 Boylston Street, 5th Floor
Boston, MA 02116
Telephone: 617-580-8270
Facsimile: 617-580-8270
Erica@mirabellaLLC.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2016, a copy of foregoing Motion for Extension of Discovery Period was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

s/ Michael J. Flannery

Michael J. Flannery