

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

FASTCASE, INC.,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	No 1:16-cv-0327
)	
LAWWRITER LLC,)	
dba CASEMAKER)	
)	
Defendant.)	
_____)	

JOINT MOTION TO EXTEND PRE-TRIAL DEADLINES

COME NOW Plaintiff Fastcase, Inc. ("Plaintiff") and Defendant Lawriter LLC ("Defendant") and by agreement, jointly move this Court to extend all pre-trial deadlines pending a ruling on any dispositive motion filed by Plaintiff (hereinafter "Motion to Extend"). In support of this Motion to Extend, the Parties state as follows:

1.

On February 3, 2016, Plaintiff filed its Complaint for declaratory judgment against Defendant in this Court. (Dkt. Entry No. 1). Plaintiff amended its Complaint on February 16, 2016 (Dkt. Entry No. 4); on March 23, 2016, Defendant filed an Answer to the Amended Complaint and Counterclaim (Dkt

Entry No. 13); and on April 12, 2016, Defendant filed an Amended Answer to Amended Complaint for Declaratory Judgment and Counterclaim (hereinafter the "Amended Answer") (Dkt Entry No. 14).

2.

The following deadlines under the Federal Rules of Civil Procedure and the Court's Local Rules are pending in this case:

- a. The Parties' deadline to file their Initial Disclosures and Joint Preliminary Planning and Scheduling Report (hereinafter collectively "pre-discovery") is April 22, 2016; and
- b. The discovery period in this case commences April 22, 2016.

3.

At their FRCP 26(f) early planning conference on April 7, 2016, Plaintiff informed Defendant it intends to file an initial dispositive motion in the coming weeks, without the need to conduct discovery.

4.

Accordingly, the Parties have agreed to jointly request the Court to exercise its discretion to extend the above deadlines and to set additional filing deadlines as follows:

- a. to require Plaintiff to file its initial dispositive motion, if it wishes, by **May 12, 2016** (30 days after Defendant's filing of its Amended Answer); and
- b. to extend all pre-trial deadlines that would have otherwise run from the March 23, 2016 filing date of Defendant's original Answer, including the pre-discovery deadlines and the discovery period:
 - i. until **30 days** after the Court rules on Plaintiff's initial dispositive motion, or
 - ii. alternatively, if Plaintiff does not file its initial dispositive motion, until **June 13, 2016** (30 days after Plaintiff's deadline to file its initial dispositive motion).¹

5.

"Matters pertaining to discovery are committed to the sound discretion of the district court." *Redford v. Gwinnett County Judicial Circuit*, 350 F. App'x 341, 346 (11th Cir. 2009). "Upon motion by a party, and for good cause shown, a district court can limit discovery and 'make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.'" *Moore v. Potter*, 141 F. App'x 803, 807 (11th Cir. 2005).

¹ Plaintiff does not waive its right to file a dispositive motion within 30 days after the close of discovery per the Court's local rules, if Plaintiff does not file, or the Court denies, Plaintiff's initial dispositive motion.

6.

Moreover, judicial and party economy justify the requested extension. As set forth above, Plaintiff does not require discovery to move for dispositive relief. Thus, if the Court denies the requested extension but ultimately grants Plaintiff's dispositive motion and enters judgment in favor of Plaintiff, the Parties would have unnecessarily expended significant time and resources to prepare pre-discovery submissions and conduct discovery. *See Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367-68 (11th Cir. 1997) (enumerating costs of discovery to parties and court).

7.

Alternatively, if the Court denies Plaintiff's anticipated dispositive motion, the Parties would still require additional time to prepare the pre-discovery submissions and to conduct any necessary discovery.

8.

Finally, any delay caused by extending pre-trial deadlines would be short-lived and would not cause any undue harm or prejudice to the Parties because Plaintiff expects to file its initial dispositive motion within the next 30 days. Moreover, this case is still in the pleading stage and has not progressed to discovery.

9.

For these reasons, the Parties respectfully request the Court exercise its discretion and grant this Motion to Extend.

A proposed order is attached for the Court's convenience.

Respectfully submitted, this 18th day of April, 2016.

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

/s/ Robert G. Brazier

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CERTIFICATE OF COMPLIANCE

Undersigned counsel certifies the foregoing document has been prepared with one of the font and point selections (Times New Roman, 14 point) approved by the Court in Local Rule 5.1 (C) and 7.1 (D).

This 18th day of April, 2016.

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

/s/ Robert G. Brazier

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record:

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This 18th day of April, 2016.

**BAKER, DONELSON, BEARMAN
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/s/ Robert G. Brazier

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