

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

NATIONAL ASSOCIATION OF	)	
FORENSIC COUNSELORS, INC., et al.	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 14-CV-187-RAW
	)	
NARCONON INTERNATIONAL, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT DAVID S. LEE’S MOTION FOR RELIEF FROM  
ORDER GRANTING JOINT APPLICATION TO ESTABLISH AN OPTIONAL  
UNIFIED RESPONSIVE PLEADINGS SCHEDULE FOR  
ALL SERVED DEFENDANTS AND BRIEF IN SUPPORT**

Defendant David S. Lee (“Mr. Lee”) respectfully requests the Court grant relief, as to his pending Motion to Dismiss [Doc. No. 191], from its Order [Doc. No. 240] allowing Plaintiffs until August 31, 2014 to respond to his Motion. In support of this Motion, Mr. Lee shows the Court as follows:

**FACTUAL BACKGROUND**

1. Mr. Lee was served with Plaintiff’s Complaint on May 24, 2014. *See* Doc. No. 106.
2. Mr. Lee timely filed his Motion to Dismiss on June 16, 2014. *See* Doc. No. 191.
3. The basis of Mr. Lee’s Motion is lack of personal jurisdiction.
4. Under the Local Rules of the United States District Court for the Eastern District of Oklahoma, Plaintiffs’ Response to Mr. Lee’s Motion is due on June 30, 2014. *See* LCvR 7.1(f).

5. Based upon information and belief, Mr. Lee's Motion is the only Motion to Dismiss on file at this time. The remaining Defendants who have appeared have requested an extension of time.
6. On June 24, 2014, a Joint Application of Plaintiffs and Defendant Narconon of Oklahoma, Inc. to Establish an Optional Unified Responsive Pleadings Schedule for all Served Defendants was filed. *See* Doc. No. 237.
7. On June 25, 2014, this Court entered an Order granting, in part, the requested schedule. *See* Doc. No. 240.
8. The parties who filed the Joint Application did not speak with undersigned counsel regarding the requested schedule before filing the Application.

#### **ARGUMENT AND AUTHORITIES**

Plaintiffs filed this lawsuit against 82 Defendants. [Doc. No. 3]. Over the course of several weeks, many Defendants have been served and have requested extensions of time to answer or otherwise plead. As noted above, Mr. Lee was served on May 24, 2014. [Doc. No. 106]. Because Mr. Lee does not have sufficient contacts with the State of Oklahoma, a Motion to Dismiss for lack of personal jurisdiction was filed June 16, 2014. [Doc. No. 191]. Undersigned counsel has had no contact with the counsel for the parties filing the Joint Application regarding its effect on the single pending motion in this case, and Mr. Lee should not have to wait until the end of August to receive a response to his Motion.

While Mr. Lee, if he should remain in this case, does not oppose the use of unified briefing schedules when it appears logical and efficient to do so, this is not such a situation. Rule 6 of the Federal Rules of Civil Procedure provides for an extension "for good cause." FED. R. CIV. P. 6(b). While there may be advantages for Plaintiffs and Mr. Lee's Co-Defendants in the

requested schedule and resulting Order, there are none specific to Mr. Lee's Motion. The Court's Order provides Plaintiffs an additional 61 days to respond to Mr. Lee's Motion. However, because the Motion is based on personal jurisdiction, the additional time will not be useful to Plaintiffs to coordinate responses regarding substantive issues in the case. It is, by its nature, an individualized response, and there is no reason to delay it for the convenience of the other parties. It does not serve efficiency in the case, and, further, it is prejudicial to Mr. Lee by significantly delaying his Motion becoming ripe for a ruling by the Court. As such, because he already had a pending motion, Mr. Lee requests relief from the Court's Order granting Plaintiffs until August 31 to respond to any motions filed and asks that the Court Order Plaintiffs' to respond to the pending Motion to Dismiss by July 7, 2014, which provides an additional 7 days beyond the original response date.

### CONCLUSION

Based on the foregoing, Defendant David S. Lee requests relief from the Court's Order, Doc. No. 240, and an Order requiring Plaintiff's to respond to his Motion to Dismiss by July 7, 2014, with any reply to be submitted according to the deadlines set forth in LCvR 7.1(k).

Respectfully Submitted,

/s/Richard P. Hix

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*Attorneys for Defendant, David S. Lee*

**CERTIFICATE OF SERVICE**

I herby certify that on June 26, 2014, I electronically transmitted the above document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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