

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

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, Ph.D.,  
Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,  
AND MY PILLOW, INC.,  
Defendants

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**PLAINTIFF’S MOTION FOR EXPEDITED RULING ON DEFENDANTS’  
MOTION TO STAY DISCOVERY AND PRE-TRIAL DEADLINES**

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TO THE HONORABLE MAGISTRATE JUDGE OF THE UNITED STATES DISTRICT COURT:

Plaintiff Eric Coomer, Ph.D., through counsel, files this Motion for Expedited Ruling on Defendants’ Motion to Stay Discovery and Pre-Trial Deadlines, stating in support thereof as follows:

1. On September 28, 2022, Defendants filed a Motion to Stay Discovery and Pre-Trial Deadlines [Dkt. 57], which is currently pending before this Court.
2. On September 30, 2022, Plaintiff filed a Response to Defendants’ Motion to Stay Discovery and Pre-Trial Deadlines and Request for Expedited Review [Dkt. 62].
3. On October 14, 2022, Defendants filed a Reply Memorandum of Law in Support of Motion to Stay Discovery and Pre-Trial Deadlines [Dkt. 64].
4. Pursuant to Federal Rule of Civil Procedure 16 and the Court’s inherent discretion to manage its docket, Plaintiff now respectfully moves this Court to issue an

expedited ruling on Defendants' pending Motion to Stay Discovery and Pre-Trial Deadlines. *See, e.g., LaFleur v. Teen Help*, 342 F.3d 1145, 1149 (10th Cir. 2003) (finding that "federal district courts have the inherent power to manage their business 'so as to achieve the orderly and expeditious disposition of cases.'" (quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991))); *see also Landis v. North American Co.*, 299 U.S. 248, 254-55 (1936).

5. In their initial motion, Defendants alleged that they would be prejudiced by having to defend the depositions scheduled by Plaintiff. Defs' Mot. ¶ 11. In their reply, however, Defendants withdrew that objection and now object only to their own discovery obligations. Defs' Reply p. 2.

6. At this time, Plaintiff has scheduled and is ready to proceed with multiple third-party depositions, beginning on November 7, 2022. Plaintiff is working with the third-party subpoena recipients to coordinate document production. Plaintiff has retained court reporters, booked flights and accommodations, and adjusted schedules accordingly. However, Defendants' refusal to participate in discovery is prejudicing Plaintiff because it prevents him from having the benefit of that discovery prior to deposing relevant witnesses. Consequently, without an expedited ruling on Defendants' motion, Plaintiff will imminently be severely prejudiced.

7. As Plaintiff noted in his response to Defendants' motion, Plaintiff has a substantial interest in proceeding expeditiously, and his interests would be significantly harmed by a stay of discovery. The defamatory statements at issue in this case have inspired and continue to inspire credible death threats against Plaintiff. Plaintiff's

interest in expeditiously demonstrating the unequivocal falsehood of the lies being promoted against him by Defendants is, therefore, significant.

8. For all of the reasons stated herein and incorporating Plaintiff's Response to Defendants' Motion to Stay Discovery and Pre-Trial Deadlines and Request for Expedited Review [Dkt. 62] by reference, Defendants' Motion for a Stay of Discovery and Pre-Trial Deadlines should be denied. Plaintiff reserves his right to seek his fees and costs arising from this effort to delay proceedings until such time as resolution of this and potentially related matters can be brought before the Court in a consolidated manner. Plaintiff is aware of the Court's busy docket and does not mean to imply through this filing that the Court is being dilatory in any respect. Rather, this motion is filed simply to highlight the ongoing prejudice to Plaintiff and to respectfully request that the Court's ruling be expedited.

Respectfully submitted this 4th day of November 2022.

/s/ Charles J. Cain

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