

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

US DOMINION, INC., et al.,
Plaintiffs/Counter-Defendants,

v.

SIDNEY POWELL, et al.,
Defendants/Counter-Plaintiffs.

Civil Action No. 1:21-cv-00040 (CJN)

US DOMINION, INC., et al.,
Plaintiffs,

v.

RUDOLPH W. GIULIANI,
Defendant.

Civil Action No. 1:21-cv-00213 (CJN)

US DOMINION, INC., et al.,
Plaintiffs/Counter-Defendants,

v.

MY PILLOW, INC., et al.,
*Defendants/ Counter- and
Third-Party Plaintiffs,*

v.

SMARTMATIC USA CORP., et al.,
Third-Party Defendants.

Civil Action No. 1:21-cv-00445 (CJN)

STIPULATED MOTION TO AMEND EXISTING SCHEDULING ORDER

The parties to the above styled actions, Plaintiffs US Dominion, Inc., Dominion Voting Systems, Inc., and Dominion Voting Systems Corporation (together, “Dominion”), and Defendants Sidney Powell, Defending the Republic, Rudolph W. Giuliani, MyPillow, Inc., and Michael J. Lindell, hereby move pursuant to paragraph 9 of this Court’s Standing Order to amend the existing scheduling order entered in these matters in its entirety by four months. These three cases are currently consolidated for discovery. Separately, Dominion and Patrick Byrne (“Byrne”) are also moving to amend the existing scheduling order by the same amount of time in *US Dominion, Inc., et al. v. Patrick Byrne*, Case No. 1:21-cv-02131 (CJN), which is aligned with the scheduling order in these cases and in which discovery is being voluntarily coordinated with discovery in these cases.

A proposed order is attached as Exhibit A.

The Parties have previously sought two extensions of the scheduling order—on August 11, 2022 and December 1, 2022. *US Dominion, Inc., et al v. My Pillow, Inc. et al*, Case No. 1:21-cv-00445 (CJN) (“*MyPillow*”), ECF Nos. 142 and 150. The purpose of the August 2022 request was solely to align the schedule in these cases with the then-existing schedule in *Byrne* because all four cases involve substantially overlapping discovery. The Parties in these cases agreed at that time, as did the parties in *Byrne*, that having identical scheduling orders in the four cases would be more efficient for the Parties and witnesses and a more effective way to deal with the overlapping issues and discovery needs. The Court granted that request. The new schedule moved the original deadlines in the consolidated cases by three to four months (depending on the deadline) to match the then-existing deadlines in the *Byrne* case. *MyPillow*, ECF No. 142.

Following the entry of the amended scheduling order, the Parties raised, briefed, and at the request of the Court, argued a dispute over the scope and details of the protective order to be entered in the case. The dispute was still under consideration by the Court on December 1, 2022. Given upcoming deadlines under the then-existing order, the Parties filed a second request for extension so the parties could conduct discovery once a protective order was entered. *US Dominion, Inc., et al v. Powell et al*, Case No. 1:21-cv-00040-CJN (“Powell”), ECF No. 75. (The parties in *Byrne* filed an identical request in order to maintain the same schedule for all cases.) The Court granted the Parties’ motion on December 2, 2022. *Powell*, ECF No. 76. The Court’s order set the schedule that currently exists. *See MyPillow* ECF No. 151.

The parties in the above-styled cases (and, separately, in *Byrne*) now move for an additional brief extension—of four months—of all the dates in the existing scheduling order. The request is not made for the purposes of delay. The Parties believe that the number of parties involved in the coordinated efforts, plus the volume of documents and number of depositions relevant to these cases, and the schedules of the witnesses and counsel, all warrant this short additional extension.

The existing schedule and the proposed amended deadlines are as follows:

Event	Current Deadlines	Proposed Deadlines
Deadline to Serve Document Requests under Fed. R. Civ. P. 34	May 5, 2023	September 5, 2023
Deadline for Completion of Fact Discovery	September 22, 2023	January 22, 2024
Deadline for Proponents to Designate Expert Witnesses and Produce	October 13, 2023	February 12, 2024

Expert Reports under Fed. R. Civ. P. 26(a)(2)		
Deadline for Opponents to Designate Expert Witnesses and Produce Expert Reports under Fed. R. Civ. P. 26(a)(2)	November 10, 2023	March 11, 2024
Deadline for Proponents to Produce Responsive Expert Reports	December 8, 2023	April 8, 2024
Deadline for Expert Depositions	January 19, 2024	May 17, 2024
Status Conference	In-person on February 7, 2024 at 10:00am	In person, June __, 2024
Deadline to File Dispositive Motions	March 1, 2024	July 1, 2024
Deadline to File Oppositions to Dispositive Motions	March 29, 2024	July 29, 2024
Deadline to File Replies in Support of Dispositive Motions	April 19, 2024	August 16, 2024

Respectfully submitted,

Dated: May 5, 2023

/s/Mary Kathryn Sammons
Justin A. Nelson (D.C. Bar No. 490347)
Laranda Walker (D.C. Bar No. TX0028)
Mary Kathryn Sammons (D.C. Bar No. TX0030)
Florence T. Chen (D.C. Bar No. TX0025)
Brittany Fowler (admitted pro hac vice)
SUSMAN GODFREY LLP
1000 Louisiana Street, #5100
Houston, TX 77002
Telephone: (713) 651-9366
jnelson@susmangodfrey.com
lwalker@susmangodfrey.com
ksammons@susmangodfrey.com

Stephen Shackelford, Jr.
(D.C. Bar No. NY0443)
Elisha Barron (admitted pro hac vice)
SUSMAN GODFREY LLP
1301 Avenue of the Americas, 32nd Fl
New York, NY 10019
Telephone: (212) 336-8330
sshackelford@susmangodfrey.com
ebarron@susmangodfrey.com

Davida Brook (D.C. Bar No. CA00117)
Jordan Rux (D.C. Bar No. CA 00135)
SUSMAN GODFREY LLP
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
Telephone: (310) 789-3100
dbrook@susmangodfrey.com
jrux@susmangodfrey.com

Stephen E. Morrissey
(admitted pro hac vice)
SUSMAN GODFREY LLP
1201 Third Avenue, Suite 3800
Seattle, WA 98101
Telephone: (206) 516-3880
smorrissey@susmangodfrey.com

Thomas A. Clare, P.C. (D.C. Bar No. 461964)
Megan L. Meier (D.C. Bar No. 985553)
Dustin A. Pusch (D.C. Bar No. 1015069)
CLARE LOCKE LLP
10 Prince Street
Alexandria, VA 22314
Telephone: (202) 628-7400
tom@clarelocke.com
megan@clarelocke.com
dustin@clarelocke.com

Rodney Smolla (Bar No. 6327)
4601 Concord Pike
Wilmington, DE 19803
fchen@susmangodfrey.com
bfowler@susmangodfrey.com
rodsmolla@gmail.com
Telephone: (864) 373-3882

Counsel for US Dominion, Inc., Dominion Voting Systems, Inc., and Dominion Voting Systems Corporation; and Hamilton Place Strategies, LLC

/s/ Marc Casarino
Marc Casarino (admitted pro hac vice)
KENNEDYS CMK LLP
919 N. Market Street, Suite 1550
Wilmington, DE 19801
Telephone: (302) 308-6647
marc.casarino@kennedyslaw.com

Counsel for Sidney Powell and Sidney Powell, P.C.

/s/ Marc Eisenstein
Marc Eisenstein, DC Bar No. 1007208
COBURN & GREENBAUM, PLLC
1710 Rhode Island Ave. NW 2nd Floor
Washington, DC 20036
Telephone: (703) 963-7164

Counsel for Defending the Republic, Inc.

/s/ Joseph D. Sibley IV

Joseph D. Sibley IV, DC Bar ID: TX0202
CAMARA & SIBLEY L.L.P.
1108 Lavaca St., Ste 110263
Austin, TX 78701
Telephone: (713) 966-6789
Facsimile: (713) 583-1131
sibley@camarasibley.com

Counsel for Rudolph W. Giuliani

/s/Andrew D. Parker

Andrew D. Parker (MN Bar No. 195042)
888 Colwell Building
123 N. Third Street
Minneapolis, MN 55401
Telephone: (612) 355-4100
Facsimile: (612) 355-4101
parker@parkerdk.com

Counsel for Defendant Michael J. Lindell

/s/Andrew D. Parker

Andrew D. Parker (MN Bar No. 195042)
Joseph A. Pull (D.C. Bar No. 982468)
Ryan P. Malone (MN Bar No. 395795)
Abraham S. Kaplan (MN Bar No. 399507)
888 Colwell Building
123 N. Third Street
Minneapolis, MN 55401
Telephone: (612) 355-4100
Facsimile: (612) 355-4101
parker@parkerdk.com
pull@parkerdk.com
malone@parkerdk.com
kaplan@parkerdk.com

Counsel for Defendant My Pillow, Inc.