

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**Leila Green Little**, et al.,

Plaintiffs,

v.

**Llano County**, et al.,

Defendants.

Case No. 1:22-cv-00424-RP

**MOTION FOR EXTENSION OF TIME TO RESPOND TO THE  
PLAINTIFFS' MOTION TO EXTEND DISCOVERY DEADLINE**

On March 31, 2023, the plaintiffs filed a motion to extend the discovery deadline from March 31, 2023, to May 19, 2023 (ECF No. 136). The defendants' response to this motion is currently due on April 7, 2023. The defendants respectfully request a seven-day extension of this deadline on account of counsel's heavy workload, which would move the due date from April 7, 2023, to April 14, 2023. To avoid any prejudice to the plaintiffs, the defendants are willing to consent to an additional one-week extension of the discovery deadline if the Court eventually grants the plaintiffs' motion for additional fact discovery.

The defendants are requesting this additional time because their lead counsel, Jonathan F. Mitchell, has an exceptionally busy schedule this week that will make it difficult, if not impossible, for him to complete the response by Friday, April 7. *See* Mitchell Decl. ¶¶ 4–10 (attached as Exhibit 1). On Monday, April 3, Mr. Mitchell presented oral argument in the Fifth Circuit in *Jackson v. Wright*, No. 22-40059 (5th Cir.), which required him to spend the weekend of April 1 traveling and preparing for that argument. *See id.* at ¶ 5. On Tuesday, April 4, Mr. Mitchell has a reply brief in support of a motion for preliminary injunction due in *Sefelino v. County College of*

*Morris*, No. 2:23-cv-01595-JXN-LDW (D.N.J.). *See id.* at ¶ 6. On Thursday, April 6, 2023, Mr. Mitchell is traveling to Stanford Law School for a speaking engagement. *See id.* at ¶ 7. On Friday, April 7, 2023, Mr. Mitchell must file his response to the plaintiffs' motion to compel the deposition testimony of Amber Milum. *See id.* at ¶ 8.

Finally, Mr. Mitchell has two additional briefs due on Monday, April 10: An opening brief on the merits in *Hensley v. State Commission on Judicial Conduct*, No. 21-1145 (SCOTEX), and a response to a motion to abate in *Stewart v. Texas Tech University Health Sciences Center*, No. 5:23-cv-00007-H (N.D. Tex.). *See id.* at ¶ 9. And because the Good Friday and Easter holidays are approaching, Mr. Mitchell was planning to work on the *Hensley* and *Stewart* briefs this week rather than work on them during the holidays. *See id.* Mr. Mitchell also works as a solo practitioner and is unable to delegate brief-writing tasks to colleagues or subordinates. *See id.* at ¶ 10.

On Sunday, April 2, Mr. Mitchell e-mailed counsel for the plaintiffs to ask if they would consent to a 7-day extension on account of Mr. Mitchell's workload, and he offered to extend the plaintiffs' requested new discovery deadline by an additional week to accommodate this request. *See* Exhibit 2. At 4:13 P.M. yesterday, counsel for the plaintiffs informed Mr. Mitchell that they would not agree to any extension unless Mr. Mitchell promised to not to request a stay of district-court proceedings during the recently filed interlocutory appeal. *See id.* That is obviously not in the best interest of Mr. Mitchell's clients, and an attorney should not condition their consent to an extension of time on a promise from opposing counsel to forgo the zealous advocacy to which his clients are entitled. Mr. Mitchell therefore respectfully asks the Court to provide the relief that opposing counsel should have extended as a matter of basic professional courtesy.

A proposed order is attached.

Respectfully submitted.

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Dated: April 4, 2023

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**CERTIFICATE OF CONFERENCE**

I certify that I have conferred with Ellis Herington, counsel for the plaintiffs, and she informed me that plaintiffs' counsel oppose this motion. Our correspondence is attached as Exhibit 2 to this motion.

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Defendants*

## CERTIFICATE OF SERVICE

I certify that on April 4, 2023, I served this document through CM/ECF upon:

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