

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JOHN A. PATTERSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 5:17-CV-00467
	)	
DEFENSE POW/MIA ACCOUNTING	)	
AGENCY, et al.,	)	
	)	
Defendants.	)	

**CONSENT MOTION TO EXTEND DEADLINE TO FILE  
MOTION UNDER RULE 702**

Pursuant to Rule 6(b) and Rule 16(b)(4) of the Federal Rules of Civil Procedure, Defendants request that the Court grant a seven day extension of the deadline to file a motion under Federal Rule of Evidence 702.

Grants of extensions of time under Rule 6(b) “fall[] to the district court’s discretion.” *Uxomba v. Bexar County*, No. 14-372, 2014 WL 3919573, at \*1 (W.D. Tex. Aug. 8, 2014) (quoting *McCarty v. Thaler*, 376 F. App’x 442, 443 (5th Cir. 2010)). There is good cause to grant Defendants’ request here. March 8, 2019 is currently “the deadline for motions objecting to the reliability of an expert’s proposed testimony under Federal Rule of Evidence 702.” Scheduling Order at 1, Oct. 4, 2018, ECF No. 50. Defendants are preparing to move under Rule 702 to exclude two of Plaintiffs’ designated experts for lack of qualifications, and failure to provide reliable and relevant opinions. However, a small amount of additional time is needed to ensure that Defendants’ filing receives adequate review. Undersigned counsel will be filing a dispositive motion in another case on March 8, 2019 and will be traveling unexpectedly for yet

another litigation matter on March 11 and 12, 2019. In addition, certain relevant personnel at the Defendant agencies are out of the office until March 12, 2019. Accordingly, a seven day extension would provide the necessary time to complete the filing.

Undersigned counsel conferred with Plaintiffs' counsel on March 7, 2019, who stated that they consent to a seven day extension of this deadline. There is no prejudice from this extension because other aspects of the scheduling order are unaffected. Under the time limits provided in the Local Rules, briefing for Defendants' proposed Rule 702 motion would be completed by April 5, 2019, in advance of the deadlines for summary judgment motions.

Therefore, Defendants respectfully request that the Court extend through March 15, 2019 the deadline to file a motion under Federal Rule of Evidence 702. A proposed Order is attached for the Court's review and entry.

Dated: March 7, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of March, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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