

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN A. PATTERSON, et al.,

Plaintiffs,

v.

DEFENSE POW/MIA ACCOUNTING
AGENCY, et al.,

Defendants.

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Civil Action No. SA-17-CV-467-XR

**PLAINTIFFS’ UNOPPOSED MOTION FOR LEAVE
TO FILE SUPPLEMENTAL DECLARATION**

Plaintiffs hereby move for leave to file the attached Supplemental Declaration of John Eakin in support of their Response in Opposition to Defendants’ Motion to Exclude the Proffered Expert Opinions of John Eakin and Renee Richardson (ECF No. 56). Defendants, through counsel, have indicated that they do not oppose this Motion.

This Motion is based on the following:

1. On March 29, 2019, the Plaintiffs filed their Response in Opposition to Defendants’ Motion to Exclude the Proffered Expert Opinions of John Eakin and Renee Richardson (ECF No. 56). Attached to Plaintiffs’ Response was a Declaration of John Eakin (ECF No. 56-1).

2. On April 1, 2019, John Eakin became aware of additional documents that support his opinions and statements expressed in his Declaration dated March 28, 2019. These documents were not known to him prior to this date.

3. The information contained within the Supplemental Declaration and attached documents will assist the Court in its evaluation of the expert opinions at issue.

4. Plaintiffs have attached to this Motion the Supplemental Declaration of John Eakin as Exhibit A.

PRAYER

Plaintiffs respectfully request that the Court grant this Motion for Leave to File Supplemental Declaration and that the attached Supplemental Declaration of John Eakin be filed and considered a part of the record. A proposed order is also attached.

Dated: April 1, 2019.

Respectfully submitted,

/s/ John T. Smithee, Jr.

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 1st day of April 2019, a true and correct copy was delivered as follows:

<p>Galen Thorp U.S. Department of Justice Civil Division, Federal Programs Branch 950 Pennsylvania Ave., NW Washington, DC 20530 202-514-4781 Email: galen.thorp@usdoj.gov ATTORNEY FOR DEFENDANTS</p>	<p>Via Electronic Delivery: X Certified Mail, Return Receipt Requested: United States Regular Mail: Overnight Mail: Via Facsimile Transmission: Via Hand-Delivery:</p>
<p>Mary F. Kruger United States Attorneys Office 601 NW Loop 410, Suite 600 San Antonio, TX 78216 210-384-7300 Fax: 210/384-7322 Email: mary.kruger@usdoj.gov ATTORNEY FOR DEFENDANTS</p>	<p>Via Electronic Delivery: X Certified Mail, Return Receipt Requested: United States Regular Mail: Overnight Mail: Via Facsimile Transmission: Via Hand-Delivery:</p>

/s/ John T. Smithee, Jr.

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