

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Steven J. HATFILL, M.D.,	)	
	)	
<i>Plaintiff</i>	)	
v.	)	Civil No. 1:03-CV-01793 (RBW)
	)	(Judge Walton)
Attorney General John ASHCROFT, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	
_____	)	

**PLAINTIFF’S UNOPPOSED MOTION TO AMEND SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 16(b), Plaintiff Steven J. Hatfill, M.D., through undersigned counsel, hereby moves to amend the Scheduling Order signed by the Court and entered on the docket on June 6, 2005, in order to establish November 18, 2005 as the deadline for amending the Complaint and joining additional parties in this matter. Dr. Hatfill anticipated filing a consent motion with the court last week; however the defendants have asked that the motion be filed instead as an “unopposed motion,” without their signatures. Numerous extensions have been sought by and granted to the defendants, while Dr. Hatfill has not previously filed any motions for extension in this matter.

Rule 16(b) provides that a schedule can be modified by leave of court upon showing of good cause. Fed. R. Civ. P. 16(b). Such good cause exists in this case. The scheduling order issued by the Court on June 6, 2005 was issued prior to the Court’s resolution of the motion to dismiss against the individual defendants and just shortly after the stay on deposition discovery relating to Dr. Hatfill’s Privacy Act claim was lifted. The identities of key witnesses and potential additional defendants have been recently revealed to Dr. Hatfill through depositions

and the limited amount of discovery obtained since the stay on discovery related to Dr. Hatfill's Constitutional claims was lifted by the Court's resolution of the individual defendants' motion to dismiss on September 16, 2005. Additional time is necessary to allow Dr. Hatfill and the defendants to coordinate depositions and to obtain critical discovery related to these individuals, so that Dr. Hatfill can properly assess any amendment to his Complaint and joinder of additional parties.

This extension will have no effect on the other deadlines set by the Court in the June 6, 2005 Scheduling Order.

**CONCLUSION**

For the foregoing reasons, this motion filed by Dr. Hatfill, and unopposed by defendants, should be granted.

Dated: November 1, 2005

Respectfully Submitted,

Thomas G. Connolly, D.C. Bar # 420416  
Mark A. Grannis, D.C. Bar # 429268  
Patrick O'Donnell, D.C. Bar # 459360  
Tonya L. Mitchell, D.C. Bar # 494088  
Harris, Wiltshire & Grannis, LLP  
1200 18<sup>th</sup> Street, N.W.  
Suite 1200  
Washington, D.C. 20036  
Tel: (202) 730-1300  
Fax: (202) 730-1301