

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

GOVERNMENT OF GUAM, Plaintiff,
Counterclaimant and Counterdefendant,

v.

UNITED STATES OF AMERICA,
Defendant, Counterclaimant and
Counterdefendant.

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) Case No. 1:17-cv-2487
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**JOINT MOTION TO EXTEND DISCOVERY DEADLINES
AND RESCHEDULE POST-DISCOVERY STATUS CONFERENCE**

The Government of Guam (“Guam”) and the United States of America (collectively, the “Parties”) are engaging in mediation to attempt to fully resolve this case. To facilitate the mediation process, the Parties respectfully move the Court to extend the current deadlines for the close of fact discovery, expert disclosures, rebuttal expert disclosures, and the close of expert discovery; and reschedule the post-discovery status conference in the current scheduling order (ECF 76) by approximately six months, as specified below. In support of this motion, the Parties state the following:

A. The Parties have engaged a private mediator from the JAMS organization and have scheduled an in-person mediation on October 12, 2022 in Washington, D.C. The goal of the mediation session is to fully resolve this case.

B. The Parties have initiated written and document discovery. The Parties have encountered areas of disagreement with respect to discovery that they have been unable to resolve despite good faith efforts to do so. Absent an extension of the current Phase I discovery deadlines, the Parties would require the immediate assistance of the Court to resolve those disagreements, likely through burdensome and time-consuming motion practice. Absent an extension, the Parties

also would need to complete resource-intensive depositions of third parties and of each other, some potentially taking place on the Island of Guam.

C. The Parties have determined that their discovery disputes need not be resolved and depositions need not be taken in order to mediate this matter.

D. To enable the Parties to devote their time and resources to preparing for the mediation, and to avoid consuming the Court's time and resources with discovery disputes that need not be resolved in order to mediate the case (and will not need to be resolved if mediation is successful), the Parties respectfully request that the Court extend the current deadlines for the close of fact discovery, expert disclosures, rebuttal expert disclosures, and the close of expert discovery by six months.

E. Over the next six months, and subject to the Court's approval, the Parties will continue to diligently investigate the issues necessary to facilitate mediation and to voluntarily produce documents from that process.¹ The Parties will be able to focus their resources on evaluating the information and materials already provided in discovery and to be produced in these informal document exchanges, and preparing mediation statements, demonstratives, and expert presentations for the mediation, so that the mediation has the greatest chance of success.

WHEREFORE, the Parties respectfully request that the Court extend the current deadlines for the close of fact discovery, expert disclosures, rebuttal expert disclosures, and the close of expert discovery; and reschedule the post-discovery status conference as follows:

¹ The Parties have further agreed that such voluntary productions will not be deemed to have waived existing objections to pending discovery requests and that Guam retains the right to challenge Defendants' July 19, 2022 stipulation (ECF 91).

Event	Current Deadline	Proposed Deadline
Close of Fact Discovery	December 7, 2022	June 7, 2023
FRCP26(a)(2)(B) Expert Disclosures	February 6, 2023	August 7, 2023
FRCP26(a)(2)(B) Rebuttal Expert Disclosures	April 7, 2023	October 6, 2023
Close of Expert Discovery	June 30, 2023	December 22, 2023
Post-Discovery Status Conference	July 19, 2023	January 17, 2024

A draft order is attached to this motion for the Court's consideration.

Dated: August 17, 2022

Respectfully submitted,

FOR PLAINTIFF:

/s/ Melissa E. Byroade
Melissa E. Byroade
D.D.C. Bar. No. 1617393
D.C. Bar No. 1656192
KELLEY DRYE & WARREN LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, D.C. 20007
Telephone: (202) 342-8823
Facsimile: (202) 342-8451
mbyroade@kelleydrye.com

John D.S. Gilmour*
William J. Jackson*
Lauren H. Shah*
Maria F. Pimienta*
KELLEY DRYE & WARREN LLP
515 Post Oak Blvd., Suite 900
Houston, TX 77027
Telephone: (713) 355-5005
Facsimile: (713) 355-5001
jgilmour@kelleydrye.com
bjackson@kelleydrye.com
lshah@kelleydrye.com
mpimienta@kelleydrye.com

Julia Schuurman*
KELLEY DRYE & WARREN LLP
3 World Trade Center
175 Greenwich Street
New York, NY 10007
Telephone: (212) 808-7769
jschuurman@kelleydrye.com

Leevin Taitano Camacho
ATTORNEY GENERAL OF GUAM
Heather M. Zona
Yusuke Haffeman-Udagawa
Assistant Attorney General
Civil Litigation Division
590 S. Marine Corps Drive
Suite 706, ITC Building
Tamuning, Guam 96913
Telephone: (671) 475-3324
Facsimile: (671) 472-2493
hzona@oagguam.org
yhaffeman-udagawa@oagguam.org

***Attorneys for Plaintiff and Counterclaim
Defendant Guam***

**Admitted pro hac vice*

FOR DEFENDANTS:

TODD KIM

Assistant Attorney General

Environment & Natural Resources Division

/s/ Peter Krzywicki

PETER KRZYWICKI

United States Department of Justice

Environment & Natural Resources Division

Environmental Enforcement Section

999 18th Street – South Terrace, Suite 370

Denver, CO 80202

Tel: (303) 844-1496

Fax: (303) 844-1350

peter.krzywicki@usdoj.gov

/s/ Bryan J. Harrison

DAVID D. MITCHELL

BRYAN J. HARRISON

JOHN M. CANE

HEATHER GANGE

United States Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611

Washington, D.C. 20044-7611

Tel: (202) 514-0165

Fax: (202) 514-8865

david.mitchell@usdoj.gov

bryan.harrison@usdoj.gov

john.cane@usdoj.gov

heather.gange@usdoj.gov

***Attorneys for Defendant, Counterclaim
Plaintiff and Counterclaim Defendant
United States of America***

CERTIFICATE OF SERVICE

I certify that on August 17, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to all counsel of record.

/s/ Bryan J. Harrison

Bryan J. Harrison