



If the Court would prefer, the parties are willing to propose shorter times between these deadlines to reduce the impact on the time that the Court will have to rule on dispositive motions.

*First*, the requested extensions would facilitate the completion of discovery following the resolution of numerous discovery disputes. On June 30, 2021, the Court granted Defendants' unopposed motion to extend the deadline for depositions due to concerns that Defendants would not have an opportunity to review written discovery before taking depositions. *See* Order Granting Defs.' Mot. to Extend the Deadline for Deps. (ECF No. 200); Defs' Mot. to Extend the Deadline for Deps. (ECF No. 190). At that time, there were a number of discovery disputes regarding written discovery and depositions that Defendants had sought from Plaintiff and third-parties PJM and the IMM. Since then, the parties have worked diligently towards resolving the disputes and, as a result, Defendants have resolved all disputes with Plaintiff and PJM and are on the cusp of reaching an agreement with the IMM. However, under these arrangements both Plaintiff and the IMM will be searching for, reviewing, and producing additional documents responsive to Defendants' requests. Plaintiff does not expect to complete its productions until September 13, 2021, and the IMM does not expect to complete its productions until the end of September 2021. Defendants expect that these document productions will inform the remaining depositions. Additionally, while third-party PJM has already produced documents, Defendants expect the documents produced by Plaintiff and the IMM may also inform the depositions of PJM employees—especially in light of the differently-negotiated sets of documents to be reviewed and produced from each entity.

Therefore, the parties respectfully request an extension of the current deadlines that would allow these document productions to take place prior to additional depositions of Plaintiff or third parties. This would include an extension of the deadlines related to expert discovery because the

parties expect the content of the remaining fact discovery will inform expert reports, which were initially scheduled to be due approximately 45 days after the close of fact discovery.

*Second*, extending the deadlines will also accommodate the schedules of third parties whom Defendants and Plaintiff seek to depose. For example, the employees and former employees of PJM that Defendants seek to depose generally are not available before the end of the current discovery window. Additionally, both PJM and the IMM have expressed a strong preference that depositions of their employees not proceed ahead of the scheduled settlement conference, which could moot the need for those depositions. Additional time is also needed by the IMM. While there are tentative dates scheduled to depose two IMM employees on August 17 and August 19, the IMM has a pending motion to quash Defendants' subpoenas for those depositions. Additional time will facilitate resolution of that discovery dispute hopefully by means of an agreement prior to having to take those depositions.

*Third*, extending the deadlines will avoid potential hindrances to a successful settlement conference. Defendants have represented that they have very limited resources. Counsel for Alan Chen and his funds have stated that they have been representing their clients on what has been effectively a *pro bono* basis for years. Engaging in extensive additional discovery before the settlement conference would reduce the amounts that Defendants have available to resolve this matter. This is especially the case with respect to experts who, unlike counsel for Dr. Chen and his funds, are unlikely to work on a *pro bono* basis.

For the foregoing reasons, good cause exists to extend the deadlines for fact discovery, expert discovery, and dispositive motions to the dates set forth in the above table or to such other dates that the Court may choose that would allow the completion of document productions to occur prior to the remaining depositions.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2021, I filed the foregoing motion with the Clerk's Office, using the CM/ECF system, which will send a notification of such filing to counsel of record in this matter.

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