UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

BROCKTON POWER LLC, and BROCKTON POWER COMPANY LLC,))
Plaintiffs,	
v.) CIVIL ACTION NO.) 1:12-cv-11047-LTS
CITY OF BROCKTON, MA; PLANNING BOARD OF THE CITY OF BROCKTON; BROCKTON CITY COUNCIL; MAYOR LINDA BALZOTTI, CITY COUNCILOR THOMAS BROPHY, CITY COUNCILOR MICHELLE DUBOIS, CITY COUNCILOR JASS STEWART, FORMER MAYOR JAMES HARRINGTON, PLANNING BOARD CHAIRPERSON WAYNE MCALLISTER, and PLANNING BOARD MEMBER SUSAN NICASTRO, individually and as current and former officials of the CITY OF BROCKTON,	
Defendants.)))

JOINT MOTION TO EXTEND PRETRIAL DEADLINES

Pursuant to paragraph 10 of the Court's Scheduling Order dated July 15, 2013 (ECF No. 116), the parties respectfully move to extend by three months each of the pretrial deadlines in the Scheduling Order. As grounds for the motion, the parties state as follows:

- 1. The parties have resumed discussions regarding a possible resolution of this litigation. Due to the complexities of the issues involved, they have agreed informally to suspend discovery.
- 2. A three-month extension of the pretrial deadlines would allow the parties to continue their settlement negotiations without incurring unnecessary additional burden and expense. The parties' settlement negotiations require this additional time because of the complexities of resolving a multi-party action involving governmental entities, a large-scale

development project, and parallel court proceedings. The parties are working as diligently as

possible to reach an expeditious resolution of this matter.

3. This is the parties' first request for an extension of the pretrial deadlines set by the

Court.

4. The parties are unanimously joined in this request.

5. The parties' requested extension would result in the following revised pretrial

deadlines:

Amendments to Pleadings: July 15, 2014.

Fact Discovery: August 15, 2014.

Expert Discovery as to Liability:

Disclosure of experts and opening reports: May 14, 2014.

Disclosure of responsive experts and rebuttal reports: June 16, 2014.

Expert depositions: August 15, 2014.

Dispositive Motions:

Motions for summary judgment: September 30, 2014.

Opposition briefs: October 30, 2014.

Reply briefs: November 13, 2014.

6. A status conference is currently scheduled in this matter on May 29, 2014 at 3:00.

The present motion does not include a request for adjournment of this conference.

WHEREFORE, the parties jointly request a three-month extension of all pretrial

deadlines in the July 15, 2013 Scheduling Order.

DATED: February 5, 2014

Respectfully Submitted,

Respectfully Submitted,

BINGHAM McCUTCHEN

TCHEN LOUISON, COSTELLO, CONDON & PFAFF

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 5, 2014.

/s/ Deana K. El-Mallawany
Deana K. El-Mallawany