

IN THE MATTER OF 2022
LEGISLATIVE DISTRICTING OF
THE STATE OF MARYLAND

* IN THE
* COURT OF APPEALS
* OF MARYLAND
* September Term, 2021
* Misc. No. 21, 24, 25, 26, 27

* * * * *

**JOINT CONSENT MOTION FOR MODIFICATION OF INTERIM
SCHEDULING ORDER #1**

Petitioners in Misc. No. 25 and Respondent hereby jointly move for a modification of Interim Scheduling Order #1, for the following good cause shown.

1. On February 18, 2022, the Court entered Interim Scheduling Order #1, in which it directed that “a good faith exchange of all discovery occur on Friday, March 11, 2022, unless the Special Magistrate is informed in writing no later than Tuesday, March 8, 2022, if an inability to achieve that objective.” Interim Sched. Order #1, at 3.

2. Petitioners in Misc. No. 25 and Respondent are also parties in one of the challenges to the congressional districting map currently pending in the Circuit Court for Anne Arundel County. *See Szeliga, et al. v. Lamone, et al.*, No. C-02-CV-21-001816. Pursuant to the Scheduling Order in that case, the parties’ deadlines for the service of expert reports was February 28, 2022 for the plaintiffs and March 2, 2022 for the defendants (subsequently extended to noon on March 3, 2022, for one

of the defendants' expert reports), while the discovery deadline itself is March 9, 2022. *See Szeliga*, Feb. 23, 2022 Scheduling Order, at 2. The four disclosed experts in *Szeliga* and the consolidated companion case, *Parrott, et al. v. Lamone, et al.*, No. C-02-CV-21-001773, have been or are scheduled to be deposed on March 7, 8 and 9, 2022.

3. On March 2, 2022, counsel for respondent proposed an expert disclosure schedule to the parties in Misc. Nos. 24, 25, 26, and 27 that would have called for the production of petitioners' expert reports, if any, on March 4, 2022, and respondent's expert reports, if any, on March 7, 2022, in light of the approaching March 11, 2022, discovery deadline. This schedule was the only one that would have allowed for a meaningful opportunity for expert depositions in advance of the discovery deadline.

4. On March 2, 2022, Mr. Wilson (petitioner in Misc. No. 27) indicated by e-mail that he would not be relying on experts or taking depositions, "so whatever schedule you all settle on for expert disclosures is fine by me." On March 3, 2022, Mr. Whitney (petitioner in Misc. No. 24) also indicated that he "will not be taking any depositions or relying on experts," and thus had "no need to have input on the schedule you will settle on for these."

5. On March 3, 2022, counsel for petitioners in Misc. No. 25 indicated that, due to the expert discovery schedule in the *Szeliga* case, the earliest he would

be able to serve expert report(s) in the State cases was March 10, 2022. On March 5, 2022, counsel for respondent indicated that this would be acceptable provided that respondent could serve their expert report on Monday, March 14, 2022, which would necessitate a brief and limited extension of the March 11, 2022 discovery deadline. Counsel for petitioners in Misc. No. 25 consented to this proposal.

6. On March 6, 2022, counsel for respondent circulated this proposed expert discovery schedule to all parties and counsel in Misc. Nos. 24-27. On March 8, 2022, counsel for respondent raised the issue at the conference scheduled by the Court. During this conference, counsel for petitioners in Misc. No. 26 consented to the proposed schedule modification.

7. Accordingly, for the foregoing good cause shown, the parties in Misc. No. 25 jointly request, with the consent of all other parties, that Interim Scheduling Order #1 be modified to reflect that petitioners' disclosure of experts and their reports take place no later than March 10, 2022, that respondent's disclosure of experts and their reports take place no later than March 14, 2022, and that the discovery deadline of March 11, 2022, be extended solely for the limited purpose of allowing for the disclosure of respondent's experts and their reports no later than March 14, 2022.

Respectfully submitted,

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/s/ Steven M. Sullivan

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March 8, 2022

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CERTIFICATE OF SERVICE

I certify that, on this 8th day of March, 2022, the foregoing was filed and served electronically by the MDEC system on all persons entitled to service, and served by e-mail on the following:

/s/ Steven M. Sullivan

Steven M. Sullivan

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