

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
CASE NO. 8:20-cv-325-T-35AEP

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

BRIAN DAVISON et al.,

Defendants.

**PLAINTIFF'S UNOPPOSED MOTION FOR AN EXTENSION OF DISCOVERY
DEADLINES**

Plaintiff Securities and Exchange Commission ("Commission") respectfully requests that the Court grant an extension of time of the discovery deadlines as set forth below. In support thereof, the Commission states as follows:

1. Pursuant to this Court's most recent scheduling Order (D.E. 328) the disclosure of Experts' Reports should occur by September 14, 2021 for Plaintiff and September 30, 2021 for Defendants. In addition, the deadline for completion of non-expert discovery is currently September 3, 2021 and the deadline to file dispositive and *Daubert* motions is November 1, 2021. The Commission requests an extension of those dates so that, if granted, the new due dates would be:

- | | |
|---|------------|
| a. Non-expert discovery deadline | 10/4/2021 |
| b. Plaintiff's expert's disclosure | 10/11/2021 |
| c. Defendants' expert disclosures | 10/25/2021 |
| d. Dispositive and <i>Daubert</i> Motions | 11/5/2021 |

2. Good cause exists for this motion because both parties are still gathering discovery and information that will be needed by the experts before they can complete their reports. In addition, a mediation in this matter occurred before Magistrate Judge Porcelli on June 28, 2021 and the parties are still trying to resolve the remaining issues to settle this matter. If these continued settlement talks are successful, the need for further discovery and experts will be alleviated and judicial resources will be preserved. Allowing this limited extension will not prejudice any party to this proceeding and will preserve resources for all parties.

3. Nor will such an extension delay the proceedings in this case as this matter is not set until the March 2022 trial term. Thus, even with the extension, the Court will still have nearly five months to consider any dispositive motions as well as any *Daubert* motions that may be filed.

Local Rule 3.01(g) Certification

4. Pursuant to Local Rule 3.01(g) undersigned counsel for the Commission have conferred with counsel for Defendant Rybicki who do not oppose the relief requested in this motion.

WHEREFORE, for the foregoing reasons, the Commission respectfully requests that this Court enter an Order granting an extension of time of the discovery deadlines as set for the above.

Dated: August 17, 2021

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 17, 2021, I electronically filed the foregoing document via the Court's CM/ECF electronic filing system, which provides notice to all counsel of record.

BY: /s/ Alise Johnson