

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DNC PARKS & RESORTS AT
YOSEMITE, INC.,

Plaintiff,

V.

THE UNITED STATES,

Defendant,

V.

YOSEMITE HOSPITALITY, LLC,

Third-Party Defendant.

No. 15-1034C
(Judge Campbell-Smith)

JOINT MOTION FOR ENLARGEMENT OF THE DISCOVERY PERIOD

Pursuant to Rule 6.1 of the Rules of the United States Court of Federal Claims, the parties jointly request an enlargement of 90 days for the completion of fact discovery, with a corresponding 90-day enlargement of the remaining currently-scheduled dates for expert discovery and a joint status report.

Currently, pursuant to the Court's August 31, 2018 Order (ECF No. 129), fact discovery must be completed by January 25, 2019; expert-related discovery is to run between February 22, 2019 and June 7, 2019; and a joint status report is due on or by July 23, 2019. With the requested 90-day enlargement, fact discovery would be completed by April 25, 2019 and the dates for expert discovery and the filing of a joint status report would be similarly enlarged by 90 days. The proposed enlarged schedule is set forth below.

Good cause exists for the enlargement. The parties have been engaged in earnest settlement discussions since September 5, 2018. To reduce costs and avoid imposing potentially

unnecessary burdens on witnesses, on August 23, 2018, the parties collectively agreed to suspend discovery during settlement discussions. Because settlement discussions have not reached an impasse, the parties' agreement to suspend discovery continues. Should the parties reach an impasse, the parties have agreed that discovery will promptly resume. If that occurs, the parties will need to produce and digest any additional documents. The parties also have multiple depositions to take, and an unresolved disagreement over whether the Government is entitled to apex depositions of top-level executives of Delaware North Companies, Inc. (the ultimate parent company of plaintiff DNC Parks & Resorts at Yosemite, Inc.).

The parties therefore request a 90-day enlargement of the existing deadlines. The proposed new deadlines are as follows:

Date	Deadline
April 25, 2019	Completion of fact discovery
May 23, 2019	Disclosure of experts
June 6, 2019	Initial expert reports
July 11, 2019	Rebuttal expert reports
September 15, 2019	Completion of expert discovery, including depositions
October 21, 2019	Joint status report (as directed by the August 31, 2018 Order)

CONCLUSION

For these reasons, the parties respectfully request that the Court grant their joint motion to enlarge the existing discovery deadlines by 90 days.

AKIN GUMP STRAUSS HAUER
& FELD, LLP

/s/ Thomas P. McLish
THOMAS P. MCLISH
1333 New Hampshire Avenue, N.W.
Washington, D.C. 20036-1564
(202) 887-4000 (Tel)
(202) 887-4288 (Fax)
Email: tmclish@akingump.com

PHILLIPS LYTLE LLP
Nicolas J. Rotsko
nrotsko@phillipslytle.com
125 Main Street
Buffalo, NY 14203-2887
(716) 847-8400 (Tel)
(716) 852-6100 (Fax)

*Counsel for Delaware North Parks & Resorts
at Yosemite, Inc.*

Respectfully Submitted,

JOSEPH H. HUNT
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.
Director

/s/ Claudia Burke by Allison Kidd-Miller
CLAUDIA BURKE
Assistant Director

/s/ John Roberson
JOHN H. ROBERSON
Senior Trial Counsel
Commercial Litigation Branch
Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, D.C. 20044
Tele: (202) 353-7972
Fax: (202) 514-8640
Email: John.Roberson@usdoj.gov
Of Counsel
SCOTT BOLDEN
Civil Division

IGOR HELMAN
MARGARET J. JANTZEN
Trial Attorneys
Department of Justice

Counsel for the United States

WILMER CUTLER PICKERING
HALE AND DORR LLP

/s/ Jamie S. Gorelick
JAMIE S. GORELICK
Counsel of Record
1875 Pennsylvania Ave. NW
Washington, DC 20006
Tel.: (202) 663-6000
Fax: (202) 663-6363
jamie.gorelick@wilmerhale.com

Of Counsel
Carl Nichols
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue. NW
Washington, DC 20006
Tel.: (202) 663-6000
Fax: (202) 663-6363
carl.nichols@wilmerhale.com

Vinita Ferrera
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
Tel.: (617) 526-6000
Fax: (617) 526-5000
vinita.ferrera@wilmerhale.com

Counsel for Yosemite Hospitality, LLC

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