

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

MICHAEL E. KELLY, *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

No. 21-1949C  
(Judge Kathryn C. Davis)

**MOTION OF PLAINTIFFS TO MODIFY BRIEFING SCHEDULE ON MOTION TO DISMISS (UNOPPOSED)**

Before litigation on the Government's motion to dismiss, Plaintiffs anticipate a substitution of counsel. *See* RCFC 83.1(c)(4)(A). To accommodate this recent development, Plaintiffs seek modification of the briefing schedule. *See* RCFC 16(b)(4).

Currently, the Government's motion to dismiss is due by September 2, 2022. *See* ECF No. 11 (docket text entry). Information on new counsel is not yet available, but this request is made at the earliest opportunity to protect the clients and to clarify the due date for the Government's motion to dismiss.

Plaintiffs propose the following modification to the briefing schedule:

<u>ACTION</u>	<u>DATE</u>
United States Files Motion to Dismiss	November 1, 2022
Plaintiffs File Response	December 13, 2022
United States Files Reply	January 20, 2022

The Government has advised that this modification is unopposed.<sup>1</sup>

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<sup>1</sup> By email with Anthony F. Schiavetti, counsel for the United States.

For the reasons stated constituting good cause, Plaintiffs respectfully ask the Court to modify the briefing schedule as set forth above.

Respectfully submitted,

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