



Haddon, Morgan and Foreman, P.C.
Laura A. Menninger

150 East 10th Avenue
Denver, Colorado 80203
PH 303.831.7364 FX 303.832.2628
www.hmflaw.com
lmenninger@hmflaw.com

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Via ECF

The Hon. Magistrate Sarah Netburn
Thurgood Marshall Courthouse
Southern District of New York
40 Foley Square, Room 430
New York, New York 10007

Re: *Sarah Ransome v. Jeffrey Epstein, et al.*, 17-cv-00616 (JGK)
Response to Letter Motion Seeking Extension of Expert Disclosure Deadline

Dear Judge Netburn:

At the scheduling conference before Judge Koeltl in this matter on August 7, 2018, Plaintiff proposed that all discovery be completed by December 31, 2018, presumably to include expert discovery. (ECF 144 at 66) Acceding to the defense's request, Judge Koeltl instead offered January 25, 2019 and reiterated there was no reason why discovery could not be complete by then. He ordered that any modifications to the schedule would require "good cause" shown. *Id.* at 68.

Plaintiff's request for a 25-day extension of time to submit expert disclosures lacks such "good cause." She provides no meaningful explanation as to her inability to secure the experts' reports and disclosures in a timely fashion. The fact that the un-named, unquantified, and unspecified experts have been "traveling out of the country" for unknown reasons over an undetermined period of time does not satisfy the type of "good cause" contemplated by Rule 16(b)(4) or as ordered by Judge Koeltl.

The Second Circuit has emphasized that "a finding of 'good cause' depends on the diligence of the moving party." *Parker v. Columbia Pictures Indus.*, 204 F.3d 326, 340 (2d Cir. 2000). The letter motion is silent with respect to Plaintiff's counsel's efforts to timely secure the reports. Further, "[g]ood cause" is a more exacting standard than the 'excusable neglect' standard; in other words, 'the mistake or inadvertence of counsel will not support a finding of good cause.'" *Scott v. City of N.Y. Dep't of Correction*, No. 04 Civ. 9638, 2007 WL 4178405, *4 (S.D.N.Y. Nov. 26, 2007).

Additionally, the schedule proposed by Plaintiff's counsel, as explained during the parties' telephonic meet-and-confer, prejudices the defense. Plaintiff proposes that the defense's rebuttal expert disclosures be 30 days later, or February 19, without any modification to other deadlines. However, as Plaintiff knows, the dispositive motion deadline in this case is February 15. The ability

Hon. Sarah Netburn
December 13, 2018
Page 2

to conduct all expert discovery including depositions in unknown locations, find and secure rebuttal experts, disclose their reports and file a summary judgment motion in the same 30 day period is simply untenable and forces the defendants to bear the burden of Plaintiff's lack of diligence.

Defendant proposed a one-week or ten-day extension of all deadlines as a compromise but Plaintiff rejected that proposal and instead seeks the one-sided benefit of a full month extra for her disclosures, without any modification of the dispositive motions deadline or trial. This Court should deny her request.

Respectfully submitted,

HADDON, MORGAN AND FOREMAN, P.C.

/s/ Laura A. Menninger

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