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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

Federal Trade Commission, and Utah
Division of Consumer Protection,

Plaintiffs,

v.

Zurixx, LLC, a Utah limited liability
company, et al.,

Defendants.

**PLAINTIFFS' MOTION TO EXPEDITE
CONSIDERATION OF PLAINTIFFS'
MOTION TO AMEND SCHEDULING
ORDER TO EXTEND CLOSE OF FACT
DISCOVERY**

Case No. 2:19-cv-00713-DAK-DAO

Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

Pursuant to Fed. R. Civ. P. 7(b) and 16(b)(4), Plaintiffs the Federal Trade Commission (“FTC”) and Utah Division of Consumer Protection (“Division”) have moved the Court to amend the Scheduling Order (ECF 151) to extend the close of fact discovery from July 22, 2021, to December 3, 2021 (ECF No. 276; the “Motion”). The FTC and the Division respectfully request that this Court expedite the consideration of this Motion so that the parties may move forward with discovery in an orderly and cost-effective fashion.

ARGUMENT

As set forth in the Plaintiffs’ Motion, the current scheduling order provides that discovery ends July 22, 2021. For the reasons explained in the Motion, the Plaintiffs have requested a short extension of that deadline, an extension that will not extend any other cutoff dates. If this request is not granted, the Plaintiffs are unlikely to be able to complete their discovery due to the time needed to review and produce documents in response to Defendants’ nearly 400 document requests, a change in lead counsel for the FTC, a change in key Division personnel requiring additional time to prepare a new employee as the Division’s 30(b)(6) witness, and scheduling conflicts for third party witnesses.

The Plaintiffs request expedited consideration of the Motion. Expedited consideration will permit the parties to assess their discovery schedules and accommodate third party witness requests for alternative dates. Although this Motion is not brought pursuant to FRCP Rules 26-37, the expedited treatment of this Motion could conform to DUR 37-1 governing discovery disputes. As noted in the Motion, the parties have met and conferred regarding the Motion and are unable to come to an agreement regarding the Motion.

Therefore, Plaintiffs request that this Court enter an Order expediting consideration of the Motion, consistent with the provisions of DUR 37-1 for the reasons set forth in the Motion and herein.

Respectfully submitted this 17th day of June 2021.

/s/ Joni Ostler

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 17, 2021, a true and correct copy of the foregoing document was served on counsel for all parties via electronic filing with the Court's ECF service.

/s/ Joni Ostler
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

FEDERAL TRADE COMMISSION and
UTAH DIVISION OF CONSUMER
PROTECTION,

Plaintiffs,

v.

ZURIXX, LLC, *et al.*

Defendants.

**[PROPOSED] ORDER GRANTING
EXPEDITED CONSIDERATION OF
PLAINTIFFS’ MOTION TO AMEND
SCHEDULING ORDER TO EXTEND
CLOSE OF FACT DISCOVERY**

Case No. 2:19-cv-00713-DAK-DAO

District Judge Dale A. Kimball
Magistrate Judge Daphne A. Oberg

The Court has reviewed the Plaintiffs’ Motion for Expedited Consideration of Plaintiffs’ Motion to Amend Scheduling Order to Extend Close of Fact Discovery, and finds that Plaintiffs have shown good cause for expedited consideration. The Court hereby ORDERS that the Defendants file a response to Plaintiffs Motion to Amend Scheduling Order to Extend Close of Fact discovery within five (5) business days after the entry of this Order.

DATED this __ day of June, 2021.

BY THE COURT:
