UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

MICHAEL A. MILLER and ADRIANA PEREZ, individually and on behalf of similarly situated individuals, *Plaintiff*, v. BEXAR COUNTY, *Defendant*.	)	5:23-cv-00085-OLG

BEXAR COUNTY'S RESPONSE TO PLAINTIFFS' MOTION TO MODIFY SCHEDULING ORDER

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Now comes Defendant Bexar County and files this response to Plaintiffs' Opposed Motion to Modify Scheduling Order [Docket no. 32].

1. On February 13, 2024, Plaintiffs filed a brief motion to modify the scheduling order in this lawsuit, arguing that "discovery is incomplete," that Plaintiffs have filed a pending motion to compel a 30(b)(6) deposition "because the Parties could not agree on the topics and date" of the deposition, and that Plaintiffs filed a pending motion to compel class-related discovery. Docket no. 32 at 1. But the discovery dispute between Plaintiffs and Bexar County does not concern the nuance over what discovery should be allowed, but rather whether Plaintiffs are entitled to any more discovery at all because their requests were untimely. All of Plaintiffs' attempts at discovery regarding class issues came at the close of the discovery period. *See* Bexar County's responses to Plaintiffs' discovery motions at docket nos. 30 and 33.

2. As Plaintiffs correctly state in their motion, they must show good cause to amend the scheduling order, and that good cause "requires the party seeking relief to show that the

deadlines cannot be reasonably met despite the diligence of the party needing the extension." Docket no. 32 at 2 (citation omitted). In their motion, Plaintiffs do not even attempt to show how they diligently pursued the discovery they now describe as "key." *Id*. at 1. Because Plaintiffs cannot show that they acted diligently, they cannot show good cause to amend the scheduling order, and their motion should be denied.

CONCLUSION

For the reasons above, Plaintiffs' motion to modify the scheduling order in this lawsuit should be denied.

Respectfully Submitted,
JOE GONZALES
Bexar County Criminal District Attorney

By: /s/ Robert W. Piatt III

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CERTIFICATE OF SERVICE

I hereby certify that, on the 20th day of February, 2024, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which provided electronic service upon all parties.

/s/ Robert Piatt
ROBERT W. PIATT III