

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

01/31/2018

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

SOUTHERN ENVIRONMENTAL LAW CENTER,)	
Plaintiff,)	Civil Action No. 3:17cv61
)	
v.)	<u>ORDER</u>
)	
U.S. ENVIRONMENTAL PROTECTION AGENCY,)	By: Joel C. Hoppe
Defendant.)	United States Magistrate Judge

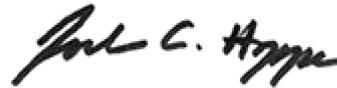
Before the Court is Defendant U.S. Environmental Protection Agency’s (“EPA”) Motion to Modify the Briefing Schedule (“Motion”). ECF No. 21. The presiding District Judge ordered all parties to file cross-motions for summary judgment by February 5, 2018, with opposition briefs due by February 19, 2018, and any reply briefs due February 26, 2018. ECF No. 13. Plaintiff filed its motion on November 16, 2017, ECF No. 14, to which EPA has yet to respond. EPA seeks to amend the briefing schedule to extend the deadline for cross-motions for summary judgment to November 16, 2018, with opposition briefs due by November 30, 2018, and reply briefs due December 7, 2018. EPA Br. in Supp. 1, ECF No. 22. EPA cites the understaffing of the lead office in charge of reviewing Plaintiff’s request for documents pursuant to the Freedom of Information Act (“FOIA”) and the inordinately high number of FOIA requests it received in the “eight months following the 2017 Presidential Inauguration” as good cause to amend the order. *Id.* at 4. EPA proposes a production schedule, whereby it would produce to Plaintiff potentially responsive documents every month from February to October 2018. Plaintiff opposes the Motion. ECF No. 23.

A briefing “[s]chedule may be modified only for good cause shown and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). EPA’s explanation that it is understaffed and facing a deluge

of FOIA requests does not show good cause to amend the briefing order. Accordingly, EPA's Motion to Modify the Briefing Schedule is DENIED. EPA shall file its response to Plaintiff's motion for summary judgment within fourteen (14) days of this Order, and Plaintiff may file a reply within seven (7) days of service of EPA's brief in opposition. The original briefing order, ECF No. 13, provides the schedule for EPA's motion for summary judgment.

It is so ORDERED.

ENTERED: January 31, 2018

A handwritten signature in black ink, appearing to read "Joel C. Hoppe". The signature is written in a cursive, slightly slanted style.

Joel C. Hoppe
United States Magistrate Judge