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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES ELMER MITCHELL and
JOHN JESSEN,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. 16-MC-0036-JLQ

ORDER RE: MOTION TO
EXPEDITE

Related Case:

SULEIMAN ABDULLAH SALIM, et al.,

Plaintiffs,

vs.

JAMES E. MITCHELL and JOHN
JESSEN,

Defendants.

No. CV-15-0286-JLQ

BEFORE THE COURT is Defendants/Petitioners Motion to Expedite (ECF No. 66) which seeks expedited hearing on the fourth Motion to Compel (No. 64) filed in case # 16-36. Defendants' fourth Motion to Compel seeks to compel the depositions of two CIA officials. The fourth Motion to Compel was filed approximately two hours after the court held a hearing on Defendants' third Motion to Compel. This raises the issue of why the fourth Motion to Compel was not filed prior to the hearing, and why the request for expedited consideration was not made while all parties were present at that hearing.

1 The deadline for completion of discovery in this matter is February 17, 2017, with
2 the limited extension the court has granted for specified depositions and medical exams to
3 March 20, 2017. The filing of this fourth Motion to Compel does not comply with the
4 court's Scheduling Order. (See ECF No. 59 in Case # 15-286)("Any motion to compel
5 discovery shall be filed, served and heard on or before the discovery deadline.").
6 Defendants state they issued a subpoena for the two depositions on December 1, 2016,
7 and were not informed the Government would not produce the individuals until February
8 13, 2017. The court finds good cause for expediting resolution of the fourth Motion to
9 Compel.

10 **IT IS HEREBY ORDERED:**

11 1. The Motion to Expedite (ECF No. 66) is **GRANTED IN PART** and **DENIED**
12 **IN PART**. The court grants expedited consideration, but denies at this time the request
13 for oral argument.

14 2. The Government shall file a Response to the fourth Motion to Compel (ECF
15 No. 64) no later than **Wednesday, February 22, 2017, at noon**.

16 3. Defendants' Reply brief, if any, shall be filed no later than **February 24, 2017,**
17 **at noon**. The Motion to Compel will be deemed submitted for decision as of February
18 24, 2017, unless the court determines after submission of the briefs oral argument is
19 warranted. If the court determines oral argument would be beneficial, it will issue a
20 notice setting hearing.

21 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and
22 furnish copies to counsel.

23 **DATED** this 16th day of February, 2017.

24 s/ Justin L. Quackenbush
25 JUSTIN L. QUACKENBUSH
26 SENIOR UNITED STATES DISTRICT JUDGE
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