

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

Paul Goldman,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:21-CV-420
)	
Robert Brink, et al.,)	
)	
Defendants.)	

**DEFENDANTS’ AGREED MOTION TO MODIFY
MOTION TO DISMISS BRIEFING SCHEDULE**

NOW COME Defendants Robert Brink, in his official capacity as Chairman of the State Board of Elections, John O’Bannon, in his official capacity as Vice Chair of the State Board of Elections, Jamilah D. LeCruise, in her official capacity as Secretary of the State Board of Elections, and Susan Beals, in her official capacity as Commissioner of the State Board of Elections, by counsel, and for their agreed motion to modify the motion to dismiss briefing schedule in this case, state as follows:

1. Following a scheduling conference, this Court set a briefing schedule for Defendants’ motion to dismiss as follows: Defendants’ motion to dismiss to be filed by April 1, 2022; Plaintiff’s response to be filed by April 15, 2022; and Defendants’ reply to be filed within six days of Plaintiff’s filing of his response. See ECF No. 69.
2. Defendants filed their motion to dismiss on April 1, 2022. See ECF Nos. 76, 77. Plaintiff’s response is due to be filed this Friday, April 15, with Defendants’ reply scheduled to be filed Thursday, April 21.
3. Counsel for Defendants and Plaintiff have conferred and have agreed that due to upcoming religious observances—the first two days of Passover (April 15 and April 16) and the

Christian Triduum (April 15 through April 17)—the briefing schedule should be modified to accommodate counsel’s exercise of their religion. The parties have agreed on the following modified briefing schedule:

Plaintiff’s response to Defendants’ motion to dismiss shall be filed not later than April 18, 2022.

Defendants’ reply in support of their motion to dismiss shall be filed not later than April 25, 2022.

4. This motion is not brought for purposes of delay, but rather due to accommodating upcoming religious observances. The parties do not anticipate requiring any additional modifications of the briefing schedule.

WHEREFORE, Defendants respectfully pray that the Court enter an order modifying the motion to dismiss briefing schedule as set forth above.

Dated: April 11, 2022

Respectfully submitted,

ROBERT H. BRINK
JOHN O'BANNON
JAMILAH D. LECRUISE
SUSAN BEALS

By: /s/ Andrew N. Ferguson
Andrew N. Ferguson (VSB #86583)
Solicitor General

Jason S. Miyares
Attorney General

Erika L. Maley (VSB #97533)
Principal Deputy Solicitor General

Charles H. Slemp III (VSB #79742)
Chief Deputy Attorney General

Kevin M. Gallagher (VSB #87548)
Lucas W.E. Croslow (VSB #97517)
Deputy Solicitors General

Steven G. Popps (VSB #80817)
Deputy Attorney General

Graham K. Bryant (VSB #90592)
Annie Chiang (VSB #94703)
M. Jordan Minot (VSB #95321)
Assistant Solicitors General

Joshua N. Lief (VSB #37094)
Senior Assistant Attorney General

Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219
(804) 786-7704 – Telephone
(804) 371-0200 – Facsimile
AFerguson@oag.state.va.us

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on April 11, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. A true copy was also sent, via first class mail and electronically, to:

Paul Goldman
PO Box 17033
Richmond, VA 23226
Pro se Plaintiff

/s/ Andrew N. Ferguson
Andrew N. Ferguson (VSB #86583)
Counsel for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

PAUL GOLDMAN,
Plaintiff,

v.

Civil Action No. 3:21-CV-420

ROBERT BRINK, *et al.*,
Defendants.

ORDER
(Modifying deadlines)

This matter comes before the Court following the remand of this case from the United States Court of Appeals for the Fourth Circuit for the limited purpose of addressing *pro se* Plaintiff Paul Goldman's ("Plaintiff") standing to sue (ECF No. 60). For the reasons stated in the agreed motion filed by Defendants on April 11, 2022, and notwithstanding this Court's previous order setting deadlines for the briefing of Defendants' motion to dismiss (ECF No. 69), the Court hereby ORDERS the following:

1. Plaintiff shall file his Response to Defendants' Motion to Dismiss, addressing the issues listed in the Court's order setting deadlines (ECF No. 69), not later than **April 18, 2022**.
2. Defendants shall file their Reply to Plaintiff's Response not later than **April 25, 2022**.

Let the Clerk file a copy of this Order electronically, notify all counsel of record, and forward a copy to Plaintiff at his address of record.

It is so ORDERED.

David J. Novak
United States District Judge,
*on behalf of the three-judge panel, with the agreement
of United States Circuit Judge Stephanie D. Thacker
and United States District Judge Raymond A. Jackson*

Richmond, Virginia

Dated: _____