

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Big Stone Gap Division**

WILLIAM THORPE, *et al.*,

Plaintiffs,

v.

VIRGINIA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

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Case No. 2:20-cv-00007-JPJ-PMS

**DEFENDANTS' MOTION FOR LEAVE TO FILE A REPLY TO PLAINTIFFS'
RESPONSE REGARDING PROPOSED CLASS REPRESENTATIVES AND NOTICE**

Defendants respectfully move this Court for an Order granting them leave to file a short reply to Plaintiffs' Response to Defendants' Statement Regarding Proposed Class Representatives and Notice (ECF No. 316-1). Defendants move for leave so that they may respond to the new issues raised in Plaintiffs' Response, including Plaintiffs' new request that the Court reverse a discovery ruling by Magistrate Judge Sargent to which Plaintiffs had not objected, and which Plaintiffs did not raise in their initial brief on class representatives and notice. Defendants have conferred with Plaintiffs in good faith, but the parties were unable to reach agreement.

Dated: June 6, 2023

Respectfully submitted,

VIRGINIA DEPARTMENT OF CORRECTIONS,
HAROLD CLARKE, A. DAVID ROBINSON,
RANDALL MATHENA, H. SCOTT RICHESON,
HENRY PONTON, MARCUS ELAM, DENISE
MALONE, STEVEN HERRICK, TORI RAIFORD,
JEFFREY KISER, and CARL MANIS,
Defendants.

By: /s/ Maya M. Eckstein
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all CM/ECF participants.

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