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

DEFENDANTS' RESPONSE TO PAINTIFFS' MOTION FOR EXPEDITED BRIEFING AND TELEPHONIC HEARING ON THEIR MOTION TO COMPEL PRODUCTION OF DOCUMENTS

Defendants do not oppose expedited briefing and a telephonic hearing on Plaintiffs' Motion to Compel Production of Documents (Plaintiffs' Motion) (ECF No. 529). Defendants agreed to file a response to Plaintiffs' Motion just ***nine days*** after its filing, noting that pre-existing obligations for the majority of Defendants' counsel prevent them from working on a response to the motion over the weekend. Thus, Defendants proposed that their response to the Motion be due on Wednesday, May 6, 2026, instead of Monday, May 4, 2026.

Plaintiffs rejected that proposal, asserting that those two days are critical to their discovery efforts, particularly given the upcoming close of supplemental fact discovery on May 18, 2026.

What Plaintiffs fail to mention is that the Court on March 3, 2026, ordered that Plaintiffs may serve requests for production (RFPs) during the supplemental discovery period, and set the May 18 deadline for the close of supplemental fact discovery. Yet, Plaintiffs waited 11 days to serve the RFPs at issue here, and then waited 14 days after receiving Defendants' objections and

responses to the RFPs before filing their Motion.[1] Had Plaintiffs proceeded expeditiously, as expected under the supplemental discovery deadlines to which the parties agreed, they would not now suffer from any supposed hardship from the additional two days Defendants request. Any such hardship is entirely self-imposed.

Accordingly, Defendants respectfully ask that they be allowed to respond to Plaintiffs' Motion on Wednesday, May 6. 2026.

April 27, 2027

Respectfully submitted,

/s/ *Maya M. Eckstein*

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[1] The day after Defendants served their RFP responses, Plaintiffs asked for a meet and confer regarding Defendants' RFP responses. Defendants offered time slots during two days of the same week, but Plaintiffs opted to hold the meet and confer at the beginning of the following week.

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

By: */s/ Maya M. Eckstein*

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