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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

JAMES M. CLEAVENGER,

Case No. 6:13-cv-01908-DOC

Plaintiff,

**DECLARATION OF JENS SCHMIDT
IN SUPPORT OF DEFENDANTS'
UNOPPOSED MOTION TO EXTEND
DISCOVERY AND PRETRIAL
DEADLINES**

vs.

**UNIVERSITY OF OREGON (an Agency and
Instrumentality of the State of Oregon), et al.,**

Defendants.

The undersigned, Jens Schmidt, states as follows:

1. I am one of the attorneys for Defendants, and I make this declaration in support of Defendants' Unopposed Motion to Extend Discovery and Pretrial Deadlines.
2. Defendants were served with summonses and the First Amended Complaint between March 7 and March 22, 2014.

3. Defendants served Plaintiff with Defendants' First Request for Production and Defendants' First Set of Interrogatories on May 14, 2014.

4. Plaintiff served Defendants with Plaintiff's Responses to Defendants' First Request for Production and Plaintiff's Supplemental Response to Defendants' First Request for Production on June 16, 2014. His responses at that time were incomplete, and he provided very few responsive documents. Defendants agreed to give Plaintiff more time to complete his responses and provide responsive documents. On July 28, 2014, Plaintiff served Defendants with Plaintiff's Second Response to Defendants' First Request for Production of Documents in which he provided more complete responses and some documents in response to some of Defendants' requests. However, he objected and declined to produce documents in response to seven of Defendants' requests.

5. Plaintiff's responses to Defendants' First Set of Interrogatories were due June 16, 2014. Defendants agreed to provide him with more time to respond. He served Plaintiff's Responses to Defendants' First Set of Interrogatories on July 28, 2014. He objected and declined to answer 20 of Defendants' 25 interrogatories.

6. The parties are in the process of attempting to resolve the objections Plaintiff has now raised in response to Defendants' discovery requests.

7. Plaintiff served discovery requests on Defendants on June 10, 2014, and he agreed to provide Defendants with more time to respond to those discovery requests. Those discovery requests cover what is estimated to be thousands of pages of documents and many audio and video files. Because of FERPA and other laws, many of the documents and video files may need to be redacted. Defendants intend to respond to Plaintiff's First Request for Production of Documents and Plaintiff's First Set of Interrogatories no later than August 4.

8. Plaintiff served Defendants with his Second Request for Production of Documents on July 28, 2014. Plaintiff already has some of the documents he requested, and on July 29, he

reviewed other documents that are within the scope of his request at the offices of Defendants' attorneys.

9. Defendants intend to take at least the deposition of Plaintiff. Defendants may decide to take more depositions based on deposition testimony of Plaintiff and others.

10. On June 4, 2014, Plaintiff provided Defendants with a list of 51 potential witnesses as part of initial discovery disclosures under Fed.R.Civ.P. 26(a)(1)(A)(i), and then provided a similar list on June 10 with the names of certain individuals highlighted for possible depositions, but he has since stated that he is not sure how many of them he will depose.

11. I believe that the parties need an extension of the current deadlines in the case in order to complete the discovery process, particularly depositions, to assess whether amendments to the pleadings are necessary, and to file dispositive motions. For example, the parties need time to resolve Plaintiff's objections to Defendants' discovery requests, and to review documents and interrogatory responses in order to prepare for depositions. Depositions must be taken before dispositive motions can be prepared.

12. I will be on vacation beginning August 13 and returning to the office September 2, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 29, 2014.



Jens Schmidt


CERTIFICATE OF SERVICE

I certify that on July 29, 2014, I served or caused to be served a true and complete copy of the foregoing **DECLARATION OF JENS SCHMIDT IN SUPPORT OF DEFENDANTS' UNOPPOSED MOTION TO EXTEND DISCOVERY AND PRETRIAL DEADLINES** on the party or parties listed below as follows:

- Via CM / ECF Filing
- Via First Class Mail, Postage Prepaid
- Via Email
- Via Personal Delivery

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CERTIFICATE OF SERVICE