

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORTH WORTH DIVISION**

DATA MARKETING PARTNERSHIP, LP,
et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
LABOR, et al.,

Defendants.

)
)
)
)
) Civil Action No. 4:19-cv-00800-O
)
)
)
)
)
)
)

**CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO AMENDED
MOTION FOR LEAVE TO FILE AND SERVE SUPPLEMENTAL COMPLAINT**

Defendants respectfully request that the Court grant a four-day extension, through December 20, 2024, for the Defendants to file their opposition to Plaintiffs' Amended Motion for Leave to File and Serve Supplemental Complaint. There is good cause to grant this extension:

1. On November 1, 2024, Plaintiffs filed a Motion for Leave to File and Serve Supplemental Complaint. On November 25, 2024, Plaintiffs filed an Amended Motion for Leave to File and Serve Supplemental Complaint, attaching a proposed 32-page supplemental complaint raising four new counts against the Defendants, along with more than 250 pages of exhibits.

2. Under caselaw in this judicial district, the filing of the amended motion moots the original motion. *See, e.g., Zapata v. Texas Tech Univ.*, No. 5:23-CV-045-H, 2024 WL 1054650, at *1 (N.D. Tex. Mar. 11, 2024). For the same reason, the Court's order granting Defendants an extension for their response to the original motion, *see* Order, Nov. 21, 2024 (ECF No. 68), has been overtaken by events.

3. Pursuant to Local Rule 7.1(e), Defendants' opposition to Plaintiffs' amended motion is currently due on December 16, 2024. Undersigned counsel needs additional time to complete Defendants' opposition brief due to the press of other matters, including a court-ordered deadline today for completion of document discovery in another case. Accordingly, an extension of four days, through December 20, 2024, would provide sufficient time to complete Defendants' opposition brief.

3. This extension will not prejudice any party. Undersigned counsel conferred with Plaintiffs' counsel who stated that Plaintiffs consent to this motion and request that their reply brief be set for January 10, 2024, 21 days after Defendants' opposition brief.

Dated: December 13, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

JULIE STRAUS HARRIS
Assistant Director
Civil Division, Federal Programs Branch

/s/ Galen N. Thorp
GALEN N. THORP (VA Bar # 75517)
Senior Trial Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, D.C. 20530
Tel: (202) 514-4781 / Fax: (202) 616-8460
galen.thorp@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

On December 13, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served the parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Galen N. Thorp
GALEN N. THORP