

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

JOSEPH CACCIAPALLE, et al.,	)	
	)	
Plaintiffs,	)	No. 13-466C
	)	(Judge Sweeney)
v.	)	
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	

**PLAINTIFFS’ UNOPPOSED MOTION TO REVISE THE BRIEFING SCHEDULE FOR DEFENDANT’S OMNIBUS MOTION TO DISMISS**

Pursuant to Rules 6(b), 6.1, and 7 of the Rules of the United States Court of Federal Claims (RCFC), Plaintiffs Joseph Cacciapalle and American European Insurance Company (collectively, “Cacciapalle Plaintiffs”) respectfully request that the Court revise the current briefing schedule for the Plaintiffs’ response to the Defendant’s omnibus motion to dismiss, as reflected in the Court’s June 21, 2018 order (ECF No. 69), to add an additional 10 days to the current briefing deadlines for Plaintiffs’ opposition and Defendant’s reply briefs. Cacciapalle makes this request on its own behalf and on behalf of the plaintiffs whose cases are governed by the schedule set out in the June 21, 2018 order. As revised, the new briefing deadlines would be the following: (1) Plaintiffs’ response to the omnibus motion would be due on or before November 2, 2018; and (2) the Defendant’s reply in support of the omnibus motion would be due on or before February 1, 2019. Counsel for the Cacciapalle Plaintiffs conferred with counsel for Defendant, who represent that Defendant does not oppose this motion to revise the briefing schedule, so long as the revised schedule applies to all of the actions in which the Government has filed its omnibus motion to dismiss. Counsel for Cacciapalle Plaintiffs also conferred with counsel for Plaintiffs in the other cases for which the briefing schedule applies who represent that their clients do not oppose the Cacciapalle Plaintiffs’ motion.

Good cause exists to grant this motion. Lead counsel for the Cacciappalle Plaintiffs has a preliminary injunction hearing scheduled for October 26, 2018 in *Hologic, Inc. v. Direct Digital Imaging Technology (Beijing), Inc.*, No. 1684-cv-1154 (Mass. Super. Ct), which requires substantial preparation. Moreover, counsel had to prepare for a three to four week trial *United Healthcare Services, Inc. v. Cephalon, Inc.*, No. 17-555 (E.D. Pa.), that was scheduled to begin on October 1, 2018 until it was unexpectedly rescheduled on September 27, 2018. Consequently, given the press of business in other cases, good cause exists for the revision of the briefing schedule that we request. Moreover, good cause exists to extend the deadline in all of the cases being briefed through the omnibus process because such an extension preserves one schedule for all of the cases.

For these reasons, we request the Court extend all briefing deadlines by 10 days, to and including November 2, 2018, for the plaintiffs' response to the omnibus motion, and to and including February 1, 2019, for the Government's reply in support of its omnibus motion.

Dated: October 4, 2018

Respectfully Submitted,

/s/ Hamish P.M. Hume

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by CM/ECF on October 4, 2018 upon counsel for Defendants.

Dated: October 4, 2018

Respectfully submitted,

/s/ Hamish Hume  
*Counsel for Plaintiffs*