

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 15-cv-20782-MARTINEZ/GOODMAN

DENNIS MONTGOMERY,

Plaintiff,

v.

JAMES RISEN et al.,

Defendants.

**DEFENDANTS' MOTION FOR EXPEDITED STATUS CONFERENCE
BEFORE JUDGE MARTINEZ**

Defendants request that the Court schedule a conference at its earliest convenience.

Under the Court's expedited scheduling order, critical dates are rapidly approaching—less than two weeks' time remains to complete discovery, and less than three weeks' time remains to file summary-judgment motions. The Court, however, still has not decided important, threshold questions about this case, such as whether it has personal jurisdiction over two of the three Defendants (it does not), whether venue is proper in this judicial district under 28 U.S.C. § 1391(b) (it is not), or whether this is the most convenient forum under 28 U.S.C. § 1404(a) (it is not). Moreover, Defendants have not received discovery central to their defense, and Plaintiff, despite court order, is doing everything he can not to produce it, including, most recently, seeking a stay. ECF No. 112. Meanwhile, Plaintiff is seeking to take six depositions during the last week of the discovery period, including of the highest-ranking corporate officers of Houghton Mifflin Harcourt. A hearing before Judge Goodman—the fifth discovery hearing to date—is scheduled for September 11.

Defendants need the Court's assistance in addressing these and other pressing matters. To do so most efficiently, and to inform the Court of additional information learned in discovery that supports their pending motion to dismiss or to transfer, ECF No. 52,¹ Defendants respectfully request a conference of no more than one hour.

Plaintiff has requested that the following statement be included in this request: "Plaintiff does not see the necessity of a status conference at this time as pending motions run their course."

Dated: September 2, 2015

Respectfully submitted,

s/Brian W. Toth
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Counsel for Defendants

¹ Today, Defendants filed a notice of supplemental authority concerning their motion to dismiss or transfer. ECF No. 119.

CERTIFICATE OF SERVICE

I certify that on September 2, 2015, I filed this document with the Clerk of Court using CM/ECF, which will serve this document on all counsel of record.

s/Brian W. Toth