

Exhibit B

RELEVANT WRITTEN DISCOVERY

<u>Item</u>	<u>Service Date</u>	<u>Service Method</u>	<u>Service ECF</u>	<u>Response (if any)</u>	<u>Response Deadline</u>	<u>Compel and/or Sanctions Deadline</u>	<u>Motion(s) Sought</u>	<u>Authority</u>
1st Roggs.	7/17/13	Mail	41	None	8/19/13	9/5/13 - LR 37.1B	Already filed - ECF # 74	
1st RFP	7/17/13	Mail	42	None	8/19/13	9/5/13 - LR 37.1B	Already filed - ECF # 75	
Depo-Lutz	7/22/13	Mail & Email	43	No show	8/21/13	9/5/13 - LR 37.1B	Already filed - ECF # 76	
Subpoena	7/25/13	Personal	n/a	None	8/15/13	"Any time" - FRCP 45(c)(2)	Compel Comcast	FRCP 45(c)(2)
1st RFA	7/30/13	Office & Email	54	8/28/13	9/3/13	9/12/13 - LR 37.1B	Sufficiency of Objections	FRCP 36(a)(6) and/or FRCP 37(a)(5)
2nd RFA	7/30/13	Office & Email	55	See note	8/29/13	9/12/13 - LR 37.1B	Sufficiency of Objections	FRCP 36(a)(6) and/or FRCP 37(a)(5)
2nd Roggs.	7/30/13	Office & Email	56	None	9/3/13	9/17/13 - LR 37.1B	Compel and/or Sanctions	FRCP 37(a)(3) and/or FRCP 37(d)
2nd RFP	7/30/13	Office & Email	57	None	8/29/13	9/12/13 - LR 37.1B	Compel and/or Sanctions	FRCP 37(a)(3) and/or FRCP 37(d)
3rd RFP	7/31/13	Email	58	None	9/3/13	9/17/13 - LR 37.1B	Compel and/or Sanctions	FRCP 37(a)(3) and/or FRCP 37(d)
3rd RFA	8/2/13	Email	59	See note	9/6/13	9/17/13 - LR 37.1B	Sufficiency of Objections	FRCP 36(a)(6) and/or FRCP 37(a)(5)
Subpoena	8/8/13	Personal	n/a	None	8/30/13	"Any time" - FRCP 45(c)(2)	Compel Comcast	FRCP 45(c)(2)
Depo-Plaintiff	8/19/13	Mail & Email	83	No show	9/3/13	9/17/13 - LR 37.1B	Compel Designation and/or Sanctions	FRCP 37(a)(3) and/or FRCP 37(d)

Note #1: The Second and Third RFAs were only e-mailed, which Defendant did not consent to. Therefore, Defendant would only need to file the respective motions if Plaintiff contends that service was proper. However, Defendant does acknowledge service of a response to the 1st RFAs via U.S. Mail.

Note #2: Defendant would only seek to file a motion regarding the 2nd and 3rd Roggs., RFAs and RFPs if not otherwise addressed at the upcoming hearing regarding the motions located at ECF # 60 & 68.

RELEVANT MOTIONS

<u>Item</u>	<u>Date</u>	<u>ECF</u>	<u>Relief Sought</u>	<u>Deadline</u>	<u>Notes</u>
Defendant Motion	8/19/13	63	The ability to file a reply.	9/13/2013	Court order prior to deadline.
Plaintiff Motion	8/26/13	68	The ability to file a response.	9/12/2013	Court order prior to deadline.

Note #3: The deadline to file a response to ECF #68 was only after the deadline if FRCP 6(d) adds three days.

Defendant was unable to find precedent on this issue, but other jurisdictions have held that Rule 6(d) would apply. See e.g. *Aponte-Navedo v. Nalco Chemical Co.*, 268 F.R.D 31, 25 (D.P.R. 2010); *Proa v. NRT Mid-Atlantic, Inc.*, 633 F. Supp. 2d 209, 211-12 (D. Md. 2009), *aff'd*, 2010 WL 4137533 (4th Cir. 2010); *Love v. Commissioner of Social Sec.*, 605 F. Supp. 2d 893, 896 (W.D. Mich. 2009). Either way, alternatively, Defendant's Motion asks for an extension of time to complete discovery barring a resolution beforehand by the parties or at the hearing.