

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

EILEEN JANIS and KIM COLHOFF, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 CHRIS NELSON, in his official )  
 capacity as Secretary of State of )  
 South Dakota and as a member of )  
 the State Board of Elections; )  
 MATT McCAULLEY, CINDY SCHULTZ, )  
 CHRISTOPHER W. MADSEN, )  
 RICHARD CASEY, KAREN M. LAYHER, )  
 and LINDA LEA M. VIKEN, in their )  
 official capacities as members of the )  
 State Board of Elections; and )  
 SUE GANJE, in her official capacity )  
 as Auditor for Shannon County, )  
 )  
 Defendants. )

Civ. No. 09-5019

**STATE DEFENDANTS'  
MOTION TO EXTEND  
DEADLINES**

State Defendants, by their attorneys of record listed below, pursuant to Fed. R. Civ. P. 6(b) hereby file this motion for an extension of the deadlines in the Court's June 16, 2009, Scheduling Order (Docket No. 57). Specifically, State Defendants request an extension of their October 9, 2009, expert disclosure deadline. In addition, State Defendants request all remaining deadlines be moved to correspond with the new expert deadlines.

Although Plaintiffs have not been granted an extension of their expert disclosure deadline of September 11, 2009, they have yet to disclose their experts. As such, State Defendants need additional time to disclose their experts. In addition, the pending dismissal motions before the Court should be adjudicated prior to expert disclosures to avoid unnecessary costs.

Therefore, State Defendants respectfully request the Court grant an extension of the State Defendants' expert disclosure deadline and extend the remaining deadlines accordingly.

Dated this 9th day of October, 2009.

Respectfully submitted,

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ATTORNEY GENERAL

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### **CERTIFICATE OF SERVICE**

I hereby certify on October 9, 2009, a true and correct copy of State Defendants' Motion to Extend Deadlines was served electronically through the CM/ECF system upon the following individuals:

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