IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:21-CV-251-BO

BERINGER COMMERCE, INC. d/b/a BLUE ACORN iCi, Plaintiff, v. FIN CAP, INC. d/b/a "BLUEACORN.CO," BLUE ACORN PPP, LLC, and BLUE OAK FOREST, LLC, Defendants.	**UNOPPOSED MOTION TO AMEND SCHEDULING ORDER**

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure and Local Civil Rule 26.1(e)(2), Plaintiff BERINGER COMMERCE, INC. d/b/a BLUE ACORN iCi, ("Blue Acorn iCi") by and through the undersigned counsel, hereby submits this Motion to Amend this Court's Scheduling Order [DE-57] to extend the specific deadlines addressed below. In support of this Motion, the Plaintiff shows the Court the following:

1. On June 10, 2021 Plaintiff filed its Complaint in the Eastern District of North Carolina [DE-1].

2. On July 20, 2021 Defendants filed their Answer [DE-48].

3. The Scheduling Order was entered in this action on August 26, 2021 [DE-57].

4. After this Court's order denying Plaintiff's Motion for Preliminary Injunction was entered on July 14, 2021, the parties engaged in good faith settlement discussions, seeking to resolve this matter prior to engaging in formal discovery and discussing the possibility of early

mediation. However, the parties were not able to reach a resolution and began the discovery process.

5. On November 11, 2021, Defendants served Plaintiff with their First Set of Interrogatories and First Requests for Production of Documents.

6. On December 14, 2021, Plaintiff served Defendants with its First Set of Interrogatories and Requests for Production of Documents.

7. All parties' discovery requests are currently pending.

8. The undersigned believes additional time to complete discovery is needed.

9. In November 2021, Co-lead Counsel Thomas Babel joined the law firm of Davis, Hartman & Wright, PLLC and is no longer representing Plaintiff in any matters.

10. In addition, effective January 1, 2021, the law firm of Forrest Firm, P.C. merged with Michael Best & Friedrich, LLP, resulting in a further change of lead counsel on behalf of the Plaintiff. Specifically, Co-lead Counsel, Beth A. Stanfield, has joined Michael Best's Labor and Employment Practice Group and will no longer be operating a commercial litigation practice.

11. Due to these staffing changes and the breakdown in the parties' attempts to negotiate a co-existence agreement prior to exchanging in a lengthy and expensive discovery process, the undersigned believes additional time is needed to allow the parties sufficient time to meaningfully participate in the discovery process.

12. Accordingly, the undersigned requests that the Scheduling Order [DE-57] deadlines be extended as follows:

a. *The deadline to complete fact discovery be extended to and including July 18, 2022.*

b. *The deadline for Plaintiff's expert disclosures be extended to and including August 10, 2022.*

c. *The deadline for Defendants' expert disclosures be extended to and including August 30, 2022.*

d. *The deadline to complete expert depositions of experts be extended to and including September 29, 2022.*

e. *The deadline to file any dispositive motions be extended to and including November 2, 2022.*

13. This Motion is made in good faith and not for the purpose of delay or any other improper purpose.

14. Pursuant to Local Rule 6.1, the undersigned certifies that Defendants' Counsel has been consulted regarding the relief requested herein and Defendants consent to the requested extension.

15. A proposed order is submitted contemporaneously with the filing of this Motion.

RESPECTFULLY SUBMITTED this the 6th day of January, 2022.

/s/ Beth A. Stanfield
Beth A. Stanfield (N.C. State Bar No. 36296)
Laura K. Greene (N.C. State Bar No. 47771)
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing **MOTION TO AMEND SCHEDULING ORDER** has been filed with the Clerk for the United States District Court, Eastern District of North Carolina, using the electronic filing system of the Court. The electronic case filing system will send a "Notice of Electronic Filing" to all attorneys of record who have consented to accept service by electronic means.

This the 6th day of January, 2022.

/s/ Beth A. Stanfield
Beth A Stanfield
Laura K. Greene

Attorneys for Plaintiff