**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF ARKANSAS**
**CENTRAL DIVISION**

| | | |
|---|---|---|
| **Eric Greathouse**, individually and on behalf of all others similarly situated,<br><br>Plaintiff,<br><br>v.<br><br>**Capital Plus Financial, LLC** and **Crossroads Systems, Inc.**,<br><br>Defendants. | §<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§ | Case No. 4:21–cv–1243–BRW |

**DEFENDANTS' MOTION TO EXTEND DISCOVERY DEADLINES**

Defendants Crossroads Systems, Inc. and Capital Plus Financial, LLC (collectively "Defendants"), file their Motion to Extend the Deadline to Conduct Rule 26(f) Conference. In support of this Motion, Defendants incorporate by reference its previous Motion to Extend Discovery Deadlines and Brief in Support filed on February 25, 2022 (ECF 26, 27), and state as follows:

1. On February 28, 2022, the Court granted Defendants' Motion to Extend Discovery Deadlines (ECF 26) and stayed the Rule 26(f) conference and report deadlines pending a ruling on Defendants' Motion to Dismiss filed on February 25, 2022. (ECF 28).

2. On March 28, 2022, Plaintiffs filed an Amended Class Action Complaint ("Amended Complaint"). (ECF 31).

3. On April 5, 2022, Defendants filed an unopposed motion for an extension of time to respond to the Amended Complaint which allows Defendants until April 29, 2022 to file

any motion or response to the Amended Complaint. The motion also agrees to a mutual extension stating that Plaintiffs have until May 31, 2022, to respond to any motion to dismiss. (ECF 36).

4. Because the parties have agreed to extend the response deadlines in light of the Amended Complaint, and on the basis of arguments presented in Defendants initial Motion to Extend Discovery (ECF 26) fully incorporated herein by reference, which was previously granted by the Court, (ECF 28), Defendants respectfully request that this Court extend its prior Order staying the Rule 26(f) conference and report deadlines set forth in this Court's Initial Scheduling Order entered on January 20, 2022, (ECF 6), pending this Court's ruling on any motion filed in response to the Amended Complaint, and further order that the deadline for a Rule 26(f) conference will be 30 days after any such ruling.

5. Pursuant to Local Rule 7.2(d)(1), no brief accompanies this request for an extension of time.

WHEREFORE, Defendants respectfully request that the Court grant their Motion to Extend the Deadline to conduct the Rule 26(f) Conference.

Dated: April 6, 2022.

Respectfully submitted,

Karen P. Freeman (Ark. Bar No. 2009094)
MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, P.L.L.C.
4206 South J.B. Hunt Drive, Suite 200
Rogers, Arkansas 72758
Tel.: (479) 464–5650
Fax: (479) 464–5680
Kfreeman@mwlaw.com

Graham Talley

MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, P.L.L.C.
425 West Capitol Avenue, Suite 1800
Little Rock, Arkansas 72201
Tel.: (501) 688–8800
Fax: (501) 688–8807
Gtalley@mwlaw.com

Katherine G. Treistman (*pro hac vice*)
Andrew D. Bergman (*pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
700 Louisiana Street, Suite 4000
Houston, Texas 77002–2755
Tel.: (713) 576–2400
Fax: (713) 576–2499
Katherine.Treistman@arnoldporter.com
Andrew.Bergman@arnoldporter.com

Eric N. Whitney (*pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, New York 10019–9710
Tel.: (212) 836–8000
Fax: (212) 836–8689
Eric.Whitney@arnoldporter.com

*Attorneys for Defendants Capital Plus Financial, LLC and Crossroads Systems, Inc.*

**CERTIFICATE OF CONFERENCE**

I certify that on April 5, 2022, counsel for Defendants attempted in good faith to confer with counsel for Plaintiffs via email regarding the relief sought. Plaintiffs' counsel responded that they take no position on this motion but expect to seek jurisdictional discovery if there is a Motion to Dismiss that raises jurisdictional issues.

*s/ Karen P. Freeman*
Karen P. Freeman
Attorney for Defendants