

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA
ex rel. PAUL PIETSCHNER,

Plaintiff,

v.

KATHRYN PETRALIA;
ROBERT FROHWEIN; and
SPENCER ROBINSON,

Defendants.

Civil Action No.: 4:21-cv-110-SDJ

**JOINT MOTION FOR LEAVE TO FILE CONSOLIDATED BRIEFING, AND FOR
EXTENSION OF PAGE LIMITS AND FILING DEADLINES**

Pursuant to Federal Rules of Civil Procedure 6(b) and 12(a) and the U.S. District Court for the Eastern District of Texas Civil Local Rules, Defendants Kathryn Petralia, Robert Frohwein, and Spencer Robinson (“Defendants”)¹ and Plaintiff, the United States of America (the “government”), (collectively, the “Parties”) jointly move for permission to file consolidated briefing on common issues related to Defendants’ motions to dismiss the Complaint in Intervention (“Complaint”) and for an extension of the page limits and filing deadlines. In support, the Parties state as follows:

1. Relator filed this action on February 5, 2021. ECF No. 1.
2. The action remained under seal pending a decision from the United States on whether to intervene in this matter.

¹ By joining and filing this Motion, Defendants do not waive and expressly reserve their objections to these proceedings for lack of personal jurisdiction and improper venue.

3. On August 26, 2024, the United States elected to intervene, ECF No. 34, filing the operative Complaint in Intervention on December 20, 2024, ECF No. 40.

4. Defendants' motions to dismiss are due on March 11, 2025.

5. The Complaint includes many allegations premised on numerous common legal arguments amongst the Defendants and that present complex legal issues.

6. The Parties have conferred and agreed on the following proposal:

- The Defendants may file a single joint motion to dismiss brief on behalf of all three individual Defendants (not to exceed 30 pages) that addresses the common legal arguments and individual motion to dismiss briefs addressing issues specific to each Defendant (not to exceed 25 pages each);
- The government, in turn, may file a single opposition brief addressing the joint opening brief (not to exceed 30 pages), and opposition briefs addressing each individual defendant's brief (not to exceed 25 pages each).
- In addition, for both replies and potential sur-replies, each side would be entitled to file one brief addressing the common arguments (not to exceed 15 pages) and briefs addressing the individual arguments (not to exceed 10 pages each).

7. The Parties submit that this coordination would promote judicial economy, avoid the duplication of common arguments, and streamline the briefing process for the Court's consideration.

8. In addition, the Parties would request the following briefing schedule that reflects extensions of deadlines that appropriately account for the complexity of the issues that will be briefed:

Filing	Original Due Date Under Local Civil Rule 7	Requested Due Date
Opening Briefs	March 11, 2025	March 11, 2025 (unchanged)
Opposition Briefs	March 25, 2025	April 17, 2025
Reply Briefs	April 1, 2025	May 9, 2025
Sur-Reply Briefs (if necessary)	April 8, 2025	May 30, 2025

WHEREFORE, Defendants respectfully request that this Court enter an order permitting:

- a. Defendants to file a brief in support of a joint motion to dismiss not to exceed 30 pages addressing issues common to all Defendants;
- b. Each Defendant to file a brief in support of individual motions to dismiss not to exceed 25 pages addressing issues specific to each Defendant;
- c. The government to file a response to Defendants' joint motion to dismiss not to exceed 30 pages;
- d. The government to file a separate response to each individual Defendant's motion to dismiss not to exceed 25 pages;
- e. Defendants to file a reply in support of their joint motion to dismiss not to exceed 15 pages;
- f. Each defendant to file a separate reply in support of their individual motion to dismiss not to exceed 10 pages;
- g. The government to file sur-replies, if any, in accordance with the Local Rules, in response to the joint motion not to exceed 15 pages, and in response to individual motions to dismiss not to exceed 10 pages each;
- h. The government's opposition briefs to be due on April 17, 2025, the Defendants' reply briefs to be due on May 9, 2025; and any sur-replies filed by the government to be due on May 30, 2025.

For the Court's convenience, a Proposed Order granting this Motion is filed with this Motion.

Dated: February 26, 2025

Respectfully submitted,

/s/ Michaela S. Wilkes Klein

Christopher E. Babbitt (*pro hac vice*)
Michaela S. Wilkes Klein (*pro hac vice*)
Wilmer Cutler Pickering Hale and Dorr LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
Telephone: (202) 663-6000
Fax: (202) 663-6363
christopher.babbitt@wilmerhale.com
michaela.wilkesklein@wilmerhale.com

Anjan Sahni (*pro hac vice*)
Wilmer Cutler Pickering Hale and Dorr LLP
7 World Trade Center, 250 Greenwich Street
New York, NY 10007
Tel: (212) 230-8800
Fax: (212) 230-8888
anjan.sahni@wilmerhale.com

George P. Varghese (*pro hac vice*)
Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Telephone: (617) 526-6000
Fax: (617) 526-5000
george.varghese@wilmerhale.com

Melissa R. Smith
Gillam & Smith LLP
303 South Washington Ave.
Marshall, TX 75670
Telephone: (903) 934-8450
Fax: (903) 934-9257
melissa@gillamsmithlaw.com
Counsel for Kathryn Petralia

MICHAEL D. GRANSTON
Deputy Assistant Attorney General

ABE MCGLOTHIN, JR.
Acting United States Attorney
Eastern District of Texas

/s Betty Young

James G. Gillingham, Texas Bar #24065295
Betty S. Young, Texas Bar #24102498
Assistant U.S. Attorneys
Eastern District of Texas
110 N. College Street, Suite 700
Tyler, Texas 75702
E-mail: James.Gillingham@usdoj.gov
E-mail: Betty.Young@usdoj.gov
(903) 590-1400
(903) 590-1436 (facsimile)

Jamie A. Yavelberg
Colin M. Huntley
Sarah E. Loucks
Kelly E. Phipps
Attorneys, Civil Division
United States Department of Justice
P.O. Box 261
Ben Franklin Station
Washington, D.C. 20044
E-mail: Sarah.E.Loucks@usdoj.gov
E-mail: Kelly.E.Phipps@usdoj.gov
(202) 616-4203
(202) 514-0280 (facsimile)
Counsel for the United States of America

Nicholas M. Mathews
Alexander J. Chern
McKool Smith, PC - Dallas
300 Crescent Court, Suite 1500
Dallas, TX 75201
Telephone: (214) 978-4258
Fax: (214) 978-4044
Nmathews@mckoolsmith.com
Achern@mckoolsmith.com

Miranda Hooker (*pro hac vice*)
Kate E. MacLeman (*pro hac vice*)
Kara N. Czekai (*pro hac vice*)
Goodwin Procter LLP
100 Northern Avenue
Boston, Massachusetts 02210
Telephone: (617) 570-1000
Fax: (617) 523-1231
MHooker@goodwinlaw.com
KMacLeman@goodwinlaw.com
KCzekai@goodwinlaw.com
Counsel for Robert Frohwein

Henry W. Asbill (*pro hac vice*)
Christopher B. Mead (*pro hac vice*)
Lisa H. Schertler (*pro hac vice*)
Paola Pinto (*pro hac vice*)
Schertler Onorato Mead & Sears
555 13th Street NW Suite 500W
Washington DC 20004
Telephone: 202-628-4199
Facsimile: 202-628-4177
hasbill@schertlerlaw.com
cmead@schertlerlaw.com
lschertler@schertlerlaw.com
ppinto@schertlerlaw.com
Counsel for Spencer Robinson

CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2025, I caused the foregoing to be filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

Dated: February 26, 2025

Respectfully Submitted,

/s/ Michaela S. Wilkes Klein

Michaela S. Wilkes Klein (*pro hac vice*)
Wilmer Cutler Pickering Hale and Dorr LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
Telephone: (202) 663-6000
Fax: (202) 663-6363
michaela.wilkesklein@wilmerhale.com