

**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

**UNOPPOSED MOTION TO EXTEND TIME TO PRODUCE DOCUMENTS
ACCOMPANYING INITIAL DISCLOSURES**

Plaintiff the United States of America (the “United States”), by and through its undersigned counsel, files this unopposed motion requesting an extension of the Court’s deadline for the United States to serve its document production accompanying its initial disclosures, *see* the Court’s Order Governing Proceedings (“Order”), ECF No. 69, within two days after the Court has entered the requested Protective Order in this case, ECF Nos. 73, 73-1. Because the United States’ production includes documents containing sensitive information, the United States requests an extension to serve its initial document production until after the Court has entered the Protective Order submitted by the parties on April 24, 2025. ECF No. 73.

BACKGROUND

This is an action against Defendants, former executives of a financial technology company, Kabbage, Inc., to recover treble damages and civil penalties under the False Claims Act (“FCA”), 31 U.S.C. §§ 3729–3733, and to recover money for common law claims for payment by mistake

and unjust enrichment, relating to Kabbage’s participation in the Government’s Paycheck Protection Program (“PPP”) as a PPP lender and loan service provider.

On March 25, 2025, the Court entered an Order Governing Proceedings and ordered that the parties conduct a Rule 26(f) Conference on or before April 16, 2025; complete initial mandatory disclosures required by the Order by April 28, 2025; and file a joint Rule 26(f) Report by May 2, 2025. ECF No. 69, at 1. As part of the initial disclosures required by the Order, the Court ordered the parties to produce “[a] copy of all documents, ESI, witness statements, and tangible things in the possession, custody, or control of the disclosing party that are relevant to the claim or defense of any party.” *Id.* at 4. The initial document production that the United States intends to make pursuant to the Order will include documents containing sensitive information, including but not limited to sensitive personal identification or financial information and information that may be subject to protections under the Bank Secrecy Act (BSA).¹ To protect information entitled to be kept confidential, the parties jointly requested on April 24, 2025 that the Court enter a Protective Order governing the handling and use of confidential information. ECF No. 73.

ARGUMENT

Courts “may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense,” Fed. R. Civ. P. 26(c)(1), and have broad discretion to decide when a Protective Order is appropriate and what degree of protection is required. *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984). A court also has “broad discretion . . . to control its docket.” *Nevada v. United States Dep’t of Lab.*, 227 F. Supp. 3d 696,

¹ The BSA is codified at 12 U.S.C. §§ 1829b, 1951–1960, and 31 U.S.C. §§ 310, 5311–5314, 5316–5336, and including notes thereto, with implementing regulations at 31 C.F.R. Chapter X.

698 (E.D. Tex. 2017) (Mazzant, J.); *see also Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (noting “the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

Due to the nature of the claims in this case, the United States’ initial document production required by the Court’s Order will contain sensitive personal identification or financial information and/or information subject to the BSA that will require protections under a protective order. To protect information entitled to be kept confidential, the parties have jointly requested that the Court enter a Protective Order governing the handling and use of confidential information. ECF No. 73-1. As such, the United States respectfully submits that there is good cause to extend its time to produce its documents until a protective order has been entered in this action. Defendants are unopposed to the relief requested herein.

CONCLUSION

Based on the foregoing reasons, the United States respectfully requests that this Court extend its time to produce its initial document production within two days after the Court has entered the Protective Order in this case. The United States is prepared to make its document production upon entry of a Protective Order, and undersigned counsel represents that the relief requested herein is for good cause and not to cause any undue delay in this proceeding. A proposed order accompanies this motion.

Dated: April 25, 2025

Respectfully submitted,

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 ANN 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)

**ATTORNEYS FOR THE
UNITED STATES OF AMERICA**

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2025, I caused a true and correct copy of the foregoing document to be transmitted through the Court's electronic mailing service (CM/ECF) to all counsel of record who have consented to electronic service by the Court's electronic mailing service (CM/ECF).

/s/ Betty Young _____
BETTY S. YOUNG

CERTIFICATE OF CONFERENCE

I hereby certify that on April 25, 2025, I conferred with counsel for Relator and Defendants pursuant to Local Rule CV-7(h). Counsel for relator and defendants have represented that they are unopposed to the relief sought herein.

/s/ Betty Young _____
BETTY S. YOUNG