

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

UNITED STATES OF AMERICA <i>ex rel.</i>)	
BROOK JACKSON,)	
)	
Relator,)	Civil Action No.: 1:21-cv-00008-MJT
)	
v.)	
)	MOTION TO LENGTHEN TIME
VENTAVIA RESEARCH GROUP, LLC;)	TO RESPOND TO MOTION AND
PFIZER INC.; ICON, PLC,)	TO CONTINUE HEARING DATE
)	
Defendants.)	
_____)	

Now comes Relator Brook Jackson, through undersigned counsel, who moves this Court for an order lengthening the time until May 21, 2024, for Relator to respond to the government’s Motion to Intervene and Dismiss (Dkt. 137); and to continue until June 26, 2024, the hearing on the Department of Justice’s motion and Defendants’ motions to dismiss (Dkt. Nos. 119, 120, and 121). This motion is brought under Local Rule CV-7(e), which states that any party may move the Court for an order lengthening the time to respond to any motion. It is grounded on the need for more time to prepare a response to the government’s potentially dispositive motion, and on pre-existing scheduling conflicts which interfere with Relator’s counsel’s ability to prepare the opposition and appear for hearing. This motion is based on this pleading, the attached declaration of counsel, the records on file in this case, and any other evidence or argument presented to the Court in connection with this request.

RELATOR’S COUNSEL NEED TIME TO RESPOND TO DOJ’S MOTION

On March 12, 2024, the Department of Justice moved to intervene to dismiss this action under a provision of the False Claims Act, 31 U.S.C. § 3730(c)(2)(A). Filed over 3 years after

Relator began this action, the motion seeks to terminate Brook Jackson's right to pursue her *qui tam* claims under the Act, § 3730(b). Under Local Rule CV-7(e), the deadline to respond to the motion is March 26, 2024.

Good cause exists to extend time until May 21, 2024, as Relator's counsel need more time to respond to the Department's motion because the motion raises complex legal and Constitutional issues. Relator intends to oppose the potentially dispositive motion on factual and legal grounds. She contends the unprecedented motion departs from the government's prior practices and established guidelines, and the motion here exceeds the Department's authority to intervene in *qui tam* cases solely in order to dismiss under § 3730(c)(2)(A). Relator's counsel intend to provide the Court with the legislative and historical context from which to view the Department's present motion. Additional time will be necessary to conduct research into the legislative, administrative, and judicial actions related to that authority under the Act.

Counsel also intend to present a factual record necessary to evaluate the Department's assertion regarding the factual basis for the motion to intervene to dismiss. Relator anticipates that this will include data analysis and testimony in the form of declarations by several prominent experts in the field. Substantial time is required for Relator's counsel to review and amass the data, confer with the experts, and help prepare declarations and exhibits.

REQUESTED SCHEDULING IN LIGHT OF EXISTING CONFLICTS

Relator's counsel have existing scheduling conflicts which justify consideration. Counsel representing Relator will jointly prepare the opposition, and all attorneys have previously-scheduled hearing dates and filing deadlines in March, April, and May. This includes court appearances and motion oppositions in April, conflicting with the April 17, 2024, date set for hearing on the Department's motion and the Defendants' motions to dismiss. All of the

attorneys have an existing scheduling conflict in early June, and two of the attorneys have trial dates until the last week of June.

Given the need for more time to respond to the Department's potentially dispositive motion and scheduling conflicts, Relator and her counsel request until May 21, 2024 to prepare and file an opposition. And, because of existing scheduling conflicts, Relator asks the Court to continue until June 26, 2024, the hearing date set for both the Department's motion and Defendants' motions to dismiss (Dkt. Nos. 119, 120, and 121). *See* Dkt. 139 (setting hearing on DOJ's motion on the same date for hearing on Defendants' motions). Relator suggests the Court continue the hearing to June 26, 2024, or to a date thereafter when the Court determines that the matter may be heard.

As verified in the Certification below, on March 25, 2024, counsel for Relator contacted counsel for the government to request (1) an eight (8) week extension to file her brief opposing its Motions to Intervene and Dismiss, and (2) a rescheduling of the motion hearing to late June or early July to accommodate the proposed briefing schedule and counsel's existing conflicts. Counsel conferred by phone call that same day, and on March 26, 2024, counsel for the Department informed Relator's counsel that they are amenable to a two-week extension for Relator to file her response but oppose an eight-week extension and a rescheduling of the hearing date.

A two-week extension of time to prepare an opposition to the government's motion would not be enough. Such an extension would place the due date for the opposition at a time when some of Relator's counsel are unavailable. The limited additional time suggested by the Department's lawyers would not allow Relator's counsel to consult with their experts and develop the intended factual record for this motion. Moreover, given the need to lengthen the

time period to respond to the Department's motion, and Relator's conflicts in the first three weeks of June, the hearing date should be continued to the last week of June or early July.

During the meet and confer, Relator's counsel also offered to stipulate to an adjustment of the briefing schedule, such that the Department of Justice would be given an additional week to file the reply. Although the Department stated it would oppose the 8-week extension requested, Relator incorporates the proposed extended time for reply into the relief requested here.

CONCLUSION

For the foregoing reasons, Relator requests that the Court (1) lengthen until May 21, 2024, the time for Relator to respond to the Department of Justice's motion to intervene to dismiss; (2) lengthen until June 4, 2024, for the reply on the motion; and (3) continue the hearing on all motions from April 17, 2024, until June 26, 2024, or a date thereafter as may be set by the Court.

Respectfully Submitted,

/s/ Lexis Anderson

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Attorneys for Relator *Brook Jackson*

DECLARATION OF COUNSEL

I, Lexis Anderson, Esq., declare and state:

1. I am one of the attorneys representing Relator Brook Jackson in this action. I make the following declaration based upon my own personal knowledge. If called as a witness hereto, I would and could testify competently to the following.
2. The factual statements made in this motion regarding counsel's intentions to oppose the Department of Justice's motion to intervene and dismiss, the amount of work that will be required to oppose the motion, and the existing scheduling conflicts, are true and accurate. Relator's counsel require at least until May 21, 2024, in which to prepare and file an opposition to the motion. Counsel have existing conflicts and workload responsibilities which would render a two-week extension insufficient for our purposes. Other scheduling conflicts exist, including due dates at the end of May, a legal conference involving the attorneys in early June, and a trial schedule conflict during the first three weeks of June.
3. Counsel for Relator have existing conflicts for the week of April 17, 2024, the date set for hearing on the Department of Justice's motion, as well as Defendants' motions.
4. All counsel have been diligent in the work required for this case, including conferring with the government's lawyers (in person and on conference calls), in reviewing and analyzing the Department of Justice's motion, and in filing this request. It is our understanding that an extension until May 21, 2024, is needed for Relator to file an opposition to the motion. All counsel for Relator would be

available to attend a hearing on the motions in the last week of June or the first week of July.

I declare under penalty of perjury of the laws of the United States and Texas that the foregoing is true and correct. Executed this 26th day of March, 2024.

/s/ Lexis Anderson
Lexis Anderson

CERTIFICATE OF SERVICE

A copy of the foregoing has been sent by the Court's Electronic Filing System to all parties of record on March 26, 2024.

/s/ Lexis Anderson
Lexis Anderson

CERTIFICATE OF CONFERENCE

Relator, through undersigned counsel, files this Certificate of Conference to verify that Relator's Counsel has complied with the meet and confer requirement in Local Rule CV-7(h). On March 25, 2024, Counsel for Relator emailed the Department of Justice regarding the relief requested in this motion. After an email response, later that day, Counsel for Relator (Attorneys Mendenhall, Anderson and Friedman) and Department of Justice attorneys (Attorneys Colleran and Gillingham) participated in a conference call. During the call, all counsel made statements about the position of the parties, including Relator's Counsel explaining the importance of the issues raised by the government's motion, the need for additional time to respond to the motion, and the scheduling conflicts of counsel regarding the hearing date. At the conference, the Department of Justice attorneys stated that they would respond by email later that day or the next morning. On March 26, 2024, Attorney Colleran emailed stating that the government was amenable to a two-week extension for Relator's response but would oppose the 8-week extension and moving the hearing date to the final week in June or early July. Based on this response, Relator's Counsel concluded that discussions ended in an impasse, leaving a scheduling issue that requires resolution by this Court.

Counsel further certify that they attempted to meet and confer with Defendants' law firms in connection with the continuance of the hearing date on their motions to dismiss. This included multiple emails, both before and after the Department of Justice's motion was filed. To date, Defendants have not responded to the emails to indicate whether they oppose or consent to the continued hearing date.

Dated: March 26, 2024

Respectfully submitted,

/s/ Lexis Anderson
Lexis Anderson, Esq.

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**[PROPOSED] ORDER EXTENDING RESPONSE DATE
AND CONTINUING HEARING**

Upon consideration of Relator’s Motion to Extend Response Date and Continue Hearing on Motion to Intervene and Dismiss (Dkt. 137), and the entire record, it is hereby ORDERED that the Motion is GRANTED and the below deadlines are amended as follows:

Relator’s Opposition to Motion to Intervene and Dismiss	May 21, 2024
Government’s Reply to Relator’s Opposition	June 4, 2024
Hearing on Motion to Intervene and Motions to Dismiss	June 26, 2024 [or July __, 2024]

IT IS SO ORDERED

Dated: _____

Michael J. Truncale
United States District Judge