

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 2017-CV-210-MJW

LIST INTERACTIVE, LTD. D/B/A UKNIGHT INTERACTIVE,
LEONARD S. LABRIOLA

Plaintiffs,

v.

KNIGHTS OF COLUMBUS,
THOMAS P. SMITH, JR.
MATTHEW A. ST. JOHN,

Defendants.

**PLAINTIFFS' MOTION FOR FORTHWITH CONSIDERATION OF
EMERGENCY MOTION FOR PROTECTIVE ORDER**

Plaintiffs List Interactive, Ltd. d/b/a UKnight Interactive (“UKnight”) and Leonard S. Labriola file this Motion for Forthwith Consideration of Emergency Motion for Protective Order (“Motion”), and in support thereof state as follows:

CERTIFICATE OF CONFERRAL

Plaintiffs’ counsel has conferred with counsel for Defendants Edward Gleason and Ian Speir in accordance with D.Colo.LCivR 7.1(A), who have stated that they oppose the relief requested herein.

1. Contemporaneous with the instant Motion, Plaintiffs filed their Emergency Motion For Protective Order, [Doc. No. 16] (the “Emergency Motion”).
2. As outlined in that Emergency Motion, absent the requested Protective Order the whistleblowers currently in contact with Plaintiffs’ counsel fear they will be

subject to retaliation by Defendants. At present, the deadline for the parties to meet and confer pursuant to Fed. R. Civ. P. 26(f) is March 3, 2017, after which discovery in this case will open. Additionally, the parties' Rule 26(a)(1) Initial Disclosures must be exchanged by March 17, 2017. If these deadlines pass without the entry of the requested Protective Order, the whistleblower witnesses' identities must be disclosed to Defendants and they will be subject to retaliation.

3. Accordingly, in order to ensure the Emergency Motion is fully briefed in time for the Court to rule on this matter before March 3, 2017, Plaintiffs request the Court order an expedited briefing schedule on the Emergency Motion whereby Defendants' responsive brief be filed no later than February 20, 2017 and Plaintiff's reply to Defendants' response be filed no later than February 22, 2017. This will make the Emergency Motion ripe for ruling by the Court nine days prior to the deadline on March 3, 2017 for the Parties to confer pursuant to Fed. R. Civ. P. 26(f), permitting the Court time to rule on the Emergency Motion prior to the opening of discovery at the conclusion of that conferral.

WHEREFORE, Plaintiffs respectfully request this Court order an expedited briefing schedule on the Emergency Motion as set forth in this Motion and consider the Emergency Motion forthwith.

Respectfully submitted this 14th day of February 2017.

/s/ Jeffrey S. Vail

Jeffrey S. Vail
VAIL LAW LLC
5299 DTC Blvd., Suite 1101
Greenwood Village, CO 80111
Tel/Fax: (303) 800-8237
E-mail: jvail@vail-law.com
ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2017, the foregoing **PLAINTIFFS' MOTION FOR FORTHWITH CONSIDERATION OF EMERGENCY MOTION FOR PROTECTIVE ORDER** was filed with the Court via the CM/ECF system and served via E-Mail on the following CM/ECF participants:

L. Martin Nussbaum, mnussbaum@lrrc.com
Edward Gleason, egleason@lrrc.com
Ian Speir, ispeir@lrrc.com
LEWIS ROCA ROTHGERBER CHRISTIE LLP
90 S. Cascade Ave., Suite 1100
Colorado Springs, CO 80903
Telephone: 719-386-3000
Facsimile: 719-386-3070

Attorneys for Defendants Knights of Columbus, Thomas P. Smith, Jr., and Matthew A. St. John.

/s/ Jeffrey S. Vail