



Duces Tecum on August 10, 2023 and OSI served Responses and Objections to Defendant's Subpoena Duces Tecum on August 31, 2023.

2. Subsequently, the parties met and conferred via telephone and email regarding OAN's document requests and the Non-Parties' responses and objections.

3. On December 5, 2023, OAN filed two motions to compel. First, in this Court, OAN filed its Motion to Compel Third Party Open Society Institute to Comply with Rule 45 Subpoena (Dkt. 126) (the "OSI Motion to Compel").

4. Second, OAN filed a Motion to Compel Third Party George Soros to Comply with Rule 45 Subpoena. That motion was filed in the District Court for the Southern District of New York. *Smartmatic USA Corp., et al v. Herrings Networks, Inc.*, Case No. 7:23-mc-00469-NSR (Dkts. 1-3) (the "Soros Motion to Compel", and with the OSI Motion to Compel, the "Motions to Compel"). On December 12, 2023, Mr. Soros and OAN stipulated to the transfer of that proceeding and the Soros Motion to Compel to this Court pursuant to FRCP 45(f), which was subsequently So Ordered by the Hon. Nelson S. Roman. (Dkts. 8-9).

5. Under D.C. District Court Local Rule 7(b) the Non-Parties have fourteen days – or until December 19, 2023 – to file oppositions to the Motions to Compel.<sup>1</sup>

6. The Motions to Compel are substantially identical, and the oppositions will raise substantially similar defenses and objections. The Non-Parties and OAN conferred and agreed on a briefing schedule for the Motions to Compel, with consolidated oppositions from the Non-Parties due on January 5, 2024, and a common reply date of January 22, 2024.

---

<sup>1</sup> Pursuant to the Scheduling Order dated October 11, 2022 (Dkt. 42), the deadline for completion of fact discovery in this action is December 8, 2023. The Non-Parties understand that there is a motion pending to extend the deadline to April 8, 2024, which has yet to be decided by this Court. (Dkt. 96.) To the extent the Court declines to grant that motion, the Non-Parties reserve the right to oppose the Motions to Compel on the grounds that they were not timely filed.

7. Good cause exists for the Court to grant the requested briefing schedule. First, the Motions to Compel are collectively 33 pages in length, and raise multiple arguments that will need to be addressed by the Non-Parties. In addition, counsel for the Non-Parties have various professional and personal obligations (including one member of its team on paternity leave), that would make complying with the December 19, 2023 deadline unduly onerous. With the holidays falling soon thereafter, the Non-Parties request a short extension until January 5, 2024 in order to allow the opposition brief to be filed after the New Year holiday. Non-Parties propose this extension in good faith and not for the purpose of delay. Furthermore, in the event the Court grants the requested extension of the fact discovery deadline, the Motions to Compel can still be adjudicated well in advance of the proposed deadline. Non-Parties have conferred with Defendant's counsel, who consented to the relief sought in this motion, provided that the Non-Parties also include in this motion a common reply date of January 22, 2024. This the first request for an extension of time by any party in connection with the Motions to Compel, and the first request for an extension of any sort in this action by the Non-Parties.

WHEREFORE, with Defendant's consent, Non-Parties respectfully request that the Court extend the deadline to oppose the Motions to Compel and So Order the proposed briefing schedule agreed to by the Non-Parties and OAN, with any opposition due January 5, 2024, and any reply due on January 22, 2024. A proposed order is enclosed herewith.

Dated: Washington, DC  
December 14, 2023

By: /s/ Elizabeth J. Bower  
Elizabeth J. Bower

WILLKIE FARR & GALLAGHER LLP

Elizabeth Bower

1875 K Street, N.W.

Washington DC 20006-1238

(202) 303-1252

EBower@willkie.com

WILLKIE FARR & GALLAGHER LLP

Benjamin P. McCallen (*pro hac vice motion to be filed*)

2029 Century Park East, Suite 2900

Los Angeles, CA 90067

(310) 855-3143

bmccallen@willkie.com

WILLKIE FARR & GALLAGHER LLP

Casey E. Donnelly (*pro hac vice motion to be filed*)

787 Seventh Avenue

New York, New York 10019

(212) 728-8000

cdonnelly@willkie.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of December, 2023, I caused a true and correct copy of the foregoing notice of Emergency Unopposed Motion for Extension of Time to Respond to Motions to Compel to be electronically filed using the CM/ECF system.

Respectfully submitted,

/s/ Elizabeth J. Bower

Elizabeth J. Bower (D.C. Bar No. 498480)

Willkie Farr & Gallagher LLP

1875 K Street, N.W.

Washington, D.C. 20006-1238

(202) 303-1252

EBower@willkie.com

*Counsel for George Soros and Open Society  
Institute*

IN THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF  
COLUMBIA

_____	)	
SMARTMATIC USA CORP.,	)	
SMARTMATIC HOLDING B.V., AND	)	
SGO CORPORATION LIMITED,	)	
	)	
Plaintiffs,	)	
v.	)	Civil Action No. 1:21-cv-02900-
	)	CJN-MAU
	)	
HERRING NETWORKS, INC., D/B/A	)	
ONE AMERICA NEWS NETWORK,	)	
	)	
Defendant.	)	
_____	)	

**PROPOSED ORDER**

Upon consideration of the Emergency Unopposed Motion for Extension of Time to Respond to Motions to Compel, and for good cause shown based on the record herein, it is hereby

ORDERED that the motion is granted;

ORDERED that any oppositions to the Motions to Compel are due on January 5, 2024;

and it is further

ORDERED that any reply briefs are due on January 22, 2024.

\_\_\_\_\_  
Hon. Moxila A. Upadhyaya  
United States Magistrate Court Judge