

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GREGORY GREENE and JOSEPH LACK,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

MIZUHO BANK, LTD., a Japanese financial
institution, and MARK KARPELES, an
individual,

Defendants.

Case No. 1:14-cv-01437

Hon. Gary Feinerman

Magistrate Judge Susan Cox

**JOINT MOTION TO EXTEND DEADLINES AND
TO WITHDRAW PLAINTIFFS' MOTION TO COMPEL**

Plaintiffs Gregory Greene and Joseph Lack (“Plaintiffs”) and Defendant Mizuho Bank, Ltd. (“Mizuho”) respectfully move the Court for an Order (i) slightly modifying the current briefing deadlines on Defendant Mizuho’s Motion to Dismiss the Second Amended Complaint for Failure to State a Claim and (ii) allowing for the withdrawal of Plaintiff’s pending Motion to Compel. In support of this motion, the Parties state as follows:

1. Defendant Mizuho filed its Motion to Dismiss the Second Amended Complaint for Failure to State a Claim on January 26, 2016 (Dkt. 174), and its supporting memorandum on January 29, 2016 (Dkt. 183). On January 27, 2016, Plaintiffs filed their Motion to Compel Discovery. (Dkt. 180.) The two motions were presented before the Court on February 9, 2016.

2. During the February 9, 2016 presentment hearing, the Court entered a briefing schedule for the two motions, directing (i) Plaintiffs to file their supplemental memorandum in support of their motion to compel by February 17, 2016, (ii) Plaintiffs to file their response in

opposition to Mizuho's motion to dismiss by February 19, 2016, and (iii) Mizuho to file its reply in support of its motion to dismiss by March 14, 2016. (Dkt. 185.)

3. On February 17, 2016, the Parties jointly moved to extend the briefing deadlines and adjourn an upcoming status hearing in order to meet and confer regarding pending discovery issues. (Dkt. 191.) The Court granted the Parties' request on February 18, 2016, and amended the schedule by (i) extending the deadline for Plaintiffs to file their supplemental memorandum in support of the motion to compel to March 9, 2016, (ii) extending the deadline for Plaintiffs to file their response in opposition to Mizuho's motion to dismiss to March 9, 2016, (iii) extending the deadline for Mizuho to file its reply in support of its motion to dismiss to April 4, 2016, and (iv) resetting the scheduled status hearing for April 13, 2016. (Dkt. 193.)

4. Since that time, the Parties have met and conferred regarding the relief requested in Plaintiffs' motion to compel. After several discussions, the Parties were able to reach an agreement on certain discovery to be presently exchanged and a temporary stay of all other discovery. Accordingly, Plaintiffs wish to withdraw their pending motion to compel without prejudice.

5. Further, due to the time spent negotiating the Parties' discovery agreement, as well as matters relating to the availability of lead counsel, the Parties require an additional and slight extension of time to complete briefing on Mizuho's motion to dismiss. As such, the Parties jointly request that the Court modify the current schedule by extending the deadline for Plaintiffs to file their opposition to Mizuho's motion to dismiss by two days from March 9, 2016 to March 11, 2016, and the deadline for Mizuho to file its reply in support of its motion by four days from April 4, 2016 to April 8, 2016.

6. This joint motion is brought in good faith and not for purposes of delay.

WHEREFORE, the parties respectfully request that the Court enter an Order: (i) extending the deadline for Plaintiffs to file their response in opposition to Mizuho's motion to dismiss to March 11, 2016; (ii) extending the deadline for Mizuho to file its reply in support of its motion to dismiss to April 8, 2016; and (iii) allowing for the withdrawal of Plaintiffs' pending motion to compel without prejudice to its refiling at a later time.

Respectfully submitted,

GREGORY GREENE and JOSEPH LACK,
individually, and on behalf of a class of similarly
situated individuals,

Dated: March 9, 2016

By: /s/ Alicia E. Hwang
One of Plaintiffs' Attorneys

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MIZUHO BANK, LTD.

Dated: March 9, 2016

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CERTIFICATE OF SERVICE

I, Alicia E. Hwang, an attorney, hereby certify that I served the above and foregoing ***Joint Motion to Extend Deadlines and to Withdraw Plaintiffs' Motion to Compel***, by causing true and accurate copies of such paper to be transmitted to all counsel of record via the Court's CM/ECF electronic filing system on March 9, 2016.

s/ Alicia E. Hwang