

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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JAMES J. BOYUK, JR.,

Plaintiff,

v.

PETROCHEM INSULATION, INC.,

Defendant.

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No. 2:22-cv-00124-MJH

**UNOPPOSED MOTION TO EXTEND THE DEADLINE  
FOR PLAINTIFF’S MOTION FOR CLASS CERTIFICATION**

Plaintiff James J. Boyuk, Jr. (“Plaintiff”) respectfully moves to extend the current deadline for his motion for class certification from December 12, 2022 to February 3, 2022 to allow the parties to mediate this case on January 11, 2023. Counsel for Defendant Petrochem Insulation, Inc. (“Defendant”) has indicated that it concurs in the relief sought in this motion. This motion should be granted for the following reasons:

1. On February 24, 2022, the Court held a scheduling conference with the parties and entered an Initial Case Management Order, *see* Doc. 11, setting forth the following initial scheduling deadlines concerning Plaintiff’s anticipated motion for class certification pursuant to Fed. R. Civ. P. 23.

2. In early June, 2022, the Court extended certain deadlines, ¶¶ 3(d)-(j), of the Case Management Order by ninety (90) days at the request of the parties. *See* Docs. 14-15. These included:

d) Class Certification discovery shall be completed on or before October 27, 2022;

e) Plaintiffs’ expert and/or third-party data analyst reports as to class certification shall be filed on or before September 22, 2022.<sup>1</sup> Depositions

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<sup>1</sup> The deadline for Plaintiffs’ expert and/or third-party data analyst report was subsequently extended by the Court to October 27, 2022. *See* Doc. 17.

of Plaintiffs' experts and/or third-party data analysts shall be completed on or before October 27, 2022.

f) Defendant's expert reports as to class certification shall be filed on or before October 10, 2022. Depositions of Defendant's experts shall be completed on or before October 27, 2022.

g) Plaintiffs' Motion for Rule 23 Class Certification, Memorandum in Support, and all supporting evidence shall be filed by December 12, 2022.

h) Defendants' Memorandum in Opposition to Rule 23 Class Certification and all supporting evidence shall be filed by January 25, 2023.

i) Plaintiffs' Reply Memorandum in support of Rule 23 class certification, if any, shall be filed by February 9, 2023.

j) Oral argument on Class Certification shall be held February 27, 2023 at 9 am.

*Id.*

3. Since the Court's June 7th Order, the parties have completed class certification discovery including the production of Plaintiff's third-party data analyst report as to class certification on October 26, 2022 to counsel for Defendant.

4. During the final weeks of discovery, the parties discussed mediating this case before the briefing of Plaintiff's anticipated motion for class certification commenced. The parties reached out to the appointed Mediator Kenneth Benson, *see* Doc. 10, to determine his availability. Unfortunately, Mr. Benson's schedule was almost completely booked for November and December. Thus, the earliest date he could mediate this case that worked for the parties' respective schedules was January 11, 2023. The parties have reserved this date and are prepared to proceed with the mediation.

5. In order to allow the parties to focus their efforts on the mediation and reserve briefing the class certification motion until after the mediation process is completed, a brief extension of the class certification deadline is warranted.

6. Defendant's counsel indicated that it concurs in the relief sought in this motion.

**WHEREFORE**, Plaintiff respectfully requests that the Court grant this motion and enter the accompanying proposed order extending the current deadline for his motion for class certification.

Date: November 18, 2022

Respectfully submitted,

/s/ R. Andrew Santillo

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