

**16.2 Motion for Extending or Shortening Discovery Time.** An affidavit or other statement explaining the reasons for the request must accompany a motion to continue a discovery deadline. The court only extends a motion to continue a discovery deadline in unusual cases and upon a showing of good cause, which must include facts showing that the moving party diligently pursued discovery during the originally specified period. If the defendant is a moving party, the motion must be accompanied by the defendant's affidavit or declaration, see 28 U.S.C. § 1746, stating that the defendant:

- (a) was advised by the defense attorney of the reasons for seeking a continuance;
- (b) understands that the time requested in the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. §§ 3161-3174; and
- (c) with this understanding and knowledge, agrees to the filing of the motion.

The defendant's affidavit or declaration may be filed after the motion is filed if allowed by the assigned judge and if the motion states that the attorney has discussed the motion with the defendant and the defendant has agreed to sign the affidavit or declaration but was not able to do so before the motion was filed.