

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL VETERANS LEGAL SERVICES PROGRAM, et al.,)	
)	
)	
Plaintiffs,)	
v.)	
)	Case No. 16-745 (PLF)
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

**MOTION FOR EXTENSION OF TIME TO RESPOND TO
MOTION FOR INTERVENTION, TO MODIFY CLASS
CERTIFICATION ORDER AND FOR SANCTIONS**

Pursuant to Federal Rule of Civil Procedure 6(b)(1), Defendant, by and through undersigned counsel, moves the Court for an extension of three weeks, to October 1, 2021, to respond to the motion by Michael T. Pines for intervention, for modification of the class certification order and for sanctions against plaintiff and defense counsel (hereinafter, “motion to intervene”). As grounds for the requested extension, Defendant states as follows.

1. On August 27, 2021, a notice issued over the ECF filing system that this Court had accepted the motion to intervene for filing and, that same day, a minute order issued directing counsel for the parties to file a response by September 10, 2021.¹

2. As a result of commitments in other matters, undersigned counsel, who only recently substituted as counsel for the government in this case (ECF No. 114), requires additional time to review the motion, confer with agency counsel and prepare a response to the motion. Among

¹ Undersigned counsel was copied on an email that Mr. Pines sent to the clerk’s office on August 11, 2021, attaching his motion. Undersigned counsel was on leave beginning August 11, 2021 for most of the period through August 20, 2021, with his first full day back from leave August 23, 2021.

other things, since returning from leave on August 23, 2021, undersigned counsel filed a dispositive motion on August 31, 2021 in a matter pending before the Court of Appeals and a summary judgment motion on September 1, 2021, in a district court matter, and also has dispositive motion deadlines in other district court matters of September 8, 2021 and September 10, 2021. In addition, undersigned counsel has an opposition to a motion for preliminary injunction in another district matter due on September 15, 2021, a summary judgment reply deadline of September 20, 2021 in another matter, and a previously extended filing deadline in a matter before the Court of Appeals of September 29, 2021, among other deadlines.

Undersigned counsel has approximately 75 or more cases assigned to him and, in addition to the referenced deadlines, numerous and varied issues have arisen in the management of undersigned counsel's docket since undersigned counsel's return from leave on August 23, 2021, that also have required undersigned counsel's attention, as well as the need to attend to other court deadlines. Accordingly, to allow time for undersigned counsel to review the motion to intervene, confer with agency counsel, prepare any response to the motion, and to allow that response to undergo applicable review before filing, Defendant requests an extension of its response deadline to, and including, October 1, 2021.

3. In an email dated August 13, 2021, Mr. Pines stated that he would oppose any extension of the deadline to respond to his motion to intervene. Undersigned counsel has conferred with counsel for Plaintiffs who advise that they do not oppose this extension request. As the procedural posture of this case is that it is currently stayed, there is no prejudice that will result from the brief extension requested in this motion.

4. A proposed order is attached.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on this 8th day of September 2021, I caused to be served the foregoing on Michael T. Pines by email to Mr. Pines, utilizing the email address appearing on the motion to intervene.

/s/
Jeremy S. Simon