

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

NATIONAL VETERANS LEGAL
SERVICES, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA

Defendant.

Civil Action No. 16-745 (ESH)

MOTION FOR EXTENSION OF TIME

Defendant hereby moves, pursuant to Federal Rule of Civil Procedure 6, for an extension of time in which to file its reply in support of its cross-motion for summary judgment, up to an including January 9, 2018. This is Defendant's first request to extend this deadline. Pursuant to Local Civil Rule 7(m), the Parties have conferred and Plaintiffs' counsel stated that "the plaintiffs consent to a 10-day extension—which would make your reply due on Friday, December 22—but we oppose a longer extension."¹

Good cause exists to grant the relief requested:

1. Plaintiffs filed their motion for summary judgment on August 28, 2018. *See* ECF No. 52. Defendant filed its opposition and cross-motion for summary judgment on November 17, 2017. *See* ECF No.73. Plaintiffs filed their reply and opposition to Defendant's cross-motion on December 5, 2017. *See* ECF No. 75.

2. Defendant's reply is currently due on December 12, 2017. *See* LCvR 7(d).

¹ Of course, Plaintiffs' proposed 10-day extension would afford Defendant less time than the Court's previous scheduling order provided Plaintiffs for their reply. *See* Min. Order (Oct. 31, 2017) (granting Plaintiffs eighteen days to file their reply).

3. Counsel for Defendant have several conflicts and pressing matters that will make it difficult to file a reply by December 12. Accordingly, Defendant requests that this Court extend its deadline to reply to January 9, 2018.

4. Specifically, agency counsel is currently occupied with extensive discovery matters in another action that will make it difficult to provide the assistance necessary to file Defendant's reply by before January 9, 2018.

5. Additionally, AUSAs Field and Nebeker currently have several pressing matters that will make it difficult to file a reply before January 9, 2018. For example, over the next three weeks, AUSA Field has multiple dispositive motions, a D.C. Circuit brief, a substantial motions hearing, and extensive discovery obligations. Similarly, AUSA Nebeker has several dispositive motions, as well as mediation and discovery obligations, before the end of December.

6. Further, agency counsel and AUSAs Field and Nebeker have previously planned travel for the upcoming holidays. Specifically, between December 21, 2017, and January 4, 2018, overlapping travel schedules will make it difficult to finalize and file Defendant's reply before January 9.

For the foregoing reasons, the Defendant requests that the Court enter the relief requested in this Motion. A proposed order accompanies this motion.

December 8, 2017

Respectfully submitted,

JESSIE K. LIU
D.C. Bar #472845
United States Attorney
DANIEL F. VAN HORN
D.C. BAR # 924092
Chief, Civil Division

By: /s/ Brian J. Field
W. MARK NEBEKER, DC Bar #396739

BRIAN J. FIELD, D.C. BAR #985577
Assistant United States Attorney
555 4th Street, N.W.
Washington, D.C. 20530
Tel: (202) 252-2551
E-mail: Brian.Field@usdoj.gov

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[PROPOSED] ORDER

Upon consideration of Defendant's Opposed Motion for Extension of Time, and the entire record herein, it is hereby

ORDERED that Defendant's Opposed Motion for Extension of Time be and is **GRANTED**; and it is further

FURTHER ORDERED that Defendant shall file its reply in support of cross-motion for summary judgment by January 9, 2018.

Date

United States District Judge