

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL)
SERVICES PROGRAM, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No. 16-745 ESH
)
UNITED STATES OF AMERICA,)
)
Defendant.)
)
)
_____)

UNOPPOSED MOTION FOR AN ENLARGEMENT OF TIME,
AND MEMORANDUM IN SUPPORT THEREOF

Defendant hereby moves, pursuant to Fed. R. Civ. P. 6(b)(1), for an enlargement of time to respond to Plaintiffs’ Motion For Summary Judgment As To Liability up to and including November 17, 2017. Counsel for Plaintiffs, Deepak Gupta, Esq., has indicated that Plaintiffs do not oppose this enlargement of time, but asks that, to avoid the need to expend time on the reply over the Thanksgiving Holiday, Plaintiffs’ date to respond to Defendant’s filing be enlarged as well. Defendant joins in this request.

Good cause exists for this enlargement of time. Assistant United States Attorney (“AUSA”) Brian Field was out of the office unexpectedly for the majority this past week due to an extended medical emergency that required his hospitalization. He has returned to the office, but on a limited schedule for this week. Before this absence, he and AUSA W. Mark Nebeker were working with agency counsel to complete the summary judgment related filings. However, for several reasons, AUSA Nebeker been unable to handle the entirety of this matter during AUSA Field’s absence. For instance a motion for preliminary injunction was filed last

week in another of AUSA Nebeker's cases which must also be opposed on November 2, 2017; Mr. Nebeker must take a deposition in yet another case on November 1, 2017, and he currently has an appellate brief due in early November. Finally, he has personal obligations to a close family member suffering from a serious medical condition. In order to allow Defendant to complete the process of drafting its summary judgment filings, Defendant requests that the Court extend its deadline to November 17, 2017, and also allow an added week for Plaintiffs to file their reply beyond the eleven days earlier allowed, making their response to Defendant's filing due on December 5, 2017.

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

Respectfully submitted,

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Chief, Civil Division

By: _____ /s/
W. MARK NEBEKER, DC Bar #396739
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