

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

RANDY SQUIRES,)	
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)	
Plaintiff,)	
)	Civil Action No. 05-1120 (JR)
v.)	
)	
)	
)	
DISTRICT OF COLUMBIA, <u>et al.</u> ,)	
)	
)	
Defendants.)	
)	

**DEFENDANTS’ CONSENT MOTION FOR ENLARGEMENT NUNC PRO TUNC TO
ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT**

Defendant Robert Atcheson and Defendant District of Columbia (separately represented by David Jackson, Esq.), by and through undersigned counsel, move, pursuant to Fed. R. Civ. P. 6(b)(2), for an order extending the time within which Defendant Atcheson and Defendant District of Columbia may answer or otherwise respond to the Complaint. In support of this motion, Defendant states as follows:

1. The complaint was filed in June 2005. The Complaint purports to sue Defendant Atcheson in both his individual and official capacities. The undersigned represents him only in his individual capacity. Reserving arguments as to the adequacy/effectiveness of service, Plaintiff appears to have served Defendant Atcheson on October 13, 2005. On October 18, 2005, Plaintiff moved for an enlargement of time to serve Defendant Atcheson and Defendant District of Columbia. By Order dated October 21, 2005, the Court granted this motion. Defendant

Acheson's and Defendant District of Columbia's answer or other response is due today, November 2, 2005. Defendants moved to enlarge this deadline to November 22, 2005.

2. The Complaint purports to state a claim against Defendant Acheson and Defendant District of Columbia under Title VII of the Civil Rights Act of 1964, as amended, and under 42 U.S.C. § 1981. Plaintiff works in the Environmental Crimes Unit ("ECU") of the Metropolitan Police Department and his direct supervisor is an African-American Sergeant. Defendant Acheson is the Lieutenant supervising the ECU and two other units.

3. Defendant Acheson and Defendant District of Columbia ask that the date for their separate answers or other response to the Complaint be enlarged to December 12, 2005. This enlargement will give counsel sufficient time to complete their separate investigations and to prepare a thorough response to the Complaint. On November 22, 2005, Defendant District of Columbia contacted Plaintiff's counsel and sought Plaintiff's consent to the requested enlargement. Plaintiff stated that he would be filing an amended complaint on November 22, 2005 as is his right in the current procedural posture. If the amendment had been filed as represented, Fed. R. 15(a) automatically would have provided the requested enlargement to respond to the amended complaint. Plaintiff, however, did not file the amended complaint as represented. In these circumstances, the standards of Fed. R. Civ. P. 6(b)(2) are met. Pioneer Inv. Serv. Co. v. Brunswick Assocs. Ltd. Partnership, 507 U.S. 380, 397 (1993).

4. Defendant Acheson sought the consent of both Plaintiff and Defendant District of Columbia. Both Defendant District of Columbia and Plaintiff consented.

Defendants therefore respectfully request that the Court enlarge Defendant Acheson's and Defendant District of Columbia's time for answering or otherwise responding to the Complaint as requested herein.

Dated: November 28, 2005

Respectfully submitted,

ROBERT J. SPAGNOLETTI
Attorney General for the District of Columbia

GEORGE C. VALENTINE
Deputy Attorney General
Civil Litigation Division

/s/ Kimberly Johnson

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Defendants.)	
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**DEFENDANTS’ MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
CONSENT MOTION FOR ENLARGEMENT TO ANSWER OR OTHERWISE
RESPOND TO THE COMPLAINT**

Fed. R. Civ. P. 6(b)(2) governs this motion and requires a showing of cause and excusable neglect for the enlargement. Pioneer Inv. Serv. Co. v. Brunswick Assocs. Ltd. Partnership, 507 U.S. 380, 397 (1993). The cause for the relief requested is as described below. The Complaint was filed in June 2005. The Complaint purports to sue Defendant Acheson in both his individual and official capacities. The undersigned represents him only in his individual capacity. Reserving all arguments about the sufficiency/effectiveness of service, Plaintiff appears to have served Defendant Acheson on October 13, 2005. On October 18, 2005, Plaintiff moved for an enlargement of time to serve Defendant Acheson and Defendant District of Columbia. By Order dated October 21, 2005, the Court granted this motion. Defendant Acheson’s and Defendant District of Columbia’s answer or other response is due today,

November 2, 2005. On November 22, 2005, Plaintiff stipulated to the dismissal with prejudice of all of his Title VII claims against Defendant Atcheson.

Defendant Atcheson and Defendant District of Columbia ask that the date for their separate answers or other response to the Complaint be changed to December 12, 2005. This enlargement will give counsel sufficient time to complete their separate investigations and to prepare a thorough response to the Complaint. On November 22, 2005, Defendant District of Columbia contacted Plaintiff's counsel and sought Plaintiff's consent to the requested enlargement. Plaintiff stated that he would be filing an amended complaint on November 22, 2005 as is his right in the current procedural posture. If the amendment had been filed as represented, Fed. R. 15(a) automatically would have provided the requested enlargement to respond to the amended complaint. Plaintiff, however, did not file the amended complaint as represented. In these circumstances, the standards of Fed. R. Civ. P. 6(b)(2) are met. Pioneer Inv. Serv. Co. v. Brunswick Assocs. Ltd. Partnership, 507 U.S. 380, 397 (1993).

Defendant Atcheson sought the consent of both Plaintiff and Defendant District of Columbia. Both Defendant District of Columbia and Plaintiff consented to the entry of the relief requested herein.

Dated: November 28, 2005

Respectfully submitted,

ROBERT J. SPAGNOLETTI
Attorney General for the District of Columbia

GEORGE C. VALENTINE
Deputy Attorney General
Civil Litigation Division

/s/ Kimberly Johnson
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Defendants.)	
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ORDER

Having considered Defendants' Joint Motion For Enlargement To Answer Or Otherwise Respond To The Complaint, the memorandum of points and authorities in support, Plaintiff's Opposition, and the entire record herein, it is, this ____ day of ____, 2005:

ORDERED: that Defendants' Joint Motion For Enlargement To Answer Or Otherwise Respond To The Complaint shall be, and hereby is, GRANTED; and it is

FURTHER ORDERED: that Defendant Robert Atcheson and Defendant District of Columbia shall separately answer or otherwise respond to the Complaint on or before December 12, 2005.

James Robertson
United States District Judge

cc:

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