

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

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

**DEFENDANT ROBERT ATCHESON’S CONSENT MOTION FOR ENLARGEMENT
TO FILE REPLY BRIEF**

Defendant Robert Atcheson, by and through undersigned counsel, move, pursuant to Fed. R. Civ. P. 6(b)(1), for an order extending the time within which Defendant Atcheson may file his reply brief in support of this motion for judgment on the pleadings. 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 Squires appears to have served Defendant Atcheson on October 13, 2005. On October 18, 2005, Plaintiff Squires 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 Atcheson’s and Defendant District of Columbia’s answer or other response

was due today, November 2, 2005. On November 2, 2005, Defendants filed a joint motion to enlarge. Plaintiff did not oppose this motion.

2. The Complaint was amended to add several more plaintiffs and the amended complaint purports to state a claim against Defendant Atcheson under 42 U.S.C. § 1981. Plaintiffs work in the Environmental Crimes Unit (“ECU”) of the Metropolitan Police Department and his direct supervisor is an African-American Sergeant. Defendant Atcheson is the Lieutenant supervising the ECU and two other units.

3. On February 27, 2006, Defendant Atcheson moved for judgment on the pleadings. The motion demonstrated that Plaintiff officers had failed to demonstrate an impairment of a contractual relationship with the District, had failed to allege an adverse action, and could not sue Defendant Atcheson in his individual capacity. Plaintiff responded. Defendant Atcheson asks that the date for his Reply in support of his Motion for Judgment on the Pleadings be extended to March 27, 2006. This enlargement will give counsel sufficient time to complete the Reply.

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

Defendant therefore respectfully requests that the Court enlarge Defendant Atcheson’s time for filing a reply brief as requested herein.

Dated: March 24, 2006

Respectfully submitted,

ROBERT J. SPAGNOLETTI
Attorney General for the District of Columbia

GEORGE C. VALENTINE
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/s/ Kimberly Johnson

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

Fed. R. Civ. P. 6(b)(1) governs this motion and requires a showing of cause for the enlargement. 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 arguments as to the adequacy/effectiveness of service, Plaintiff Squires appears to have served Defendant Acheson on October 13, 2005. On October 18, 2005, Plaintiff Squires 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 was due today, November 2, 2005. On November 2, 2005, Defendants filed a joint motion to enlarge. Plaintiff did not oppose this motion.

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ORDER

Having considered Defendant’s Motion For Enlargement To File Reply Brief, the memorandum of points and authorities in support, Plaintiff’s consent, and the entire record herein, it is, this ____ day of ____, 2005:

ORDERED: that Defendant’s Motion To File Reply Brief shall be, and hereby is, GRANTED; and it is

FURTHER ORDERED: that Defendant Robert Atcheson shall file a reply brief on or before March 27, 2006

James Robertson
United States District Judge

cc:

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