

UNITED STATES COURT OF INTERNATIONAL TRADE

SIGMA-TAU HEALTHSCIENCE, INC.,

Plaintiff,

v.

UNITED STATES,

Defendant.

Court No. 11-00093

ORDER

[Granting defendant a limited extension of time to file an answer or otherwise respond to the complaint]

Dated: January 10, 2013

Leslie A. Glick, John C. Monica and Karri N. Allen, Porter, Wright, Morris & Arthur, LLP, of Washington, DC, for plaintiff.

Justin R. Miller, Trial Attorney, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, of New York, NY, for defendant. With him on the motion were *Stuart F. Delery*, Principal Deputy Assistant Attorney General and *Barbara S. Williams*, Attorney-in-Charge, International Trade Field Office.

Stanceu, Judge: Defendant United States moves under USCIT Rules 6 and 7 for an extension of 29 days, to February 1, 2013, for the filing of its answer to the complaint. Def's Mot. for an Extension of Time to File its Answer or Otherwise Respond to Pl.'s Compl. (Dec. 31, 2012), ECF No. 11 (Def.'s Mot.). Plaintiff "requests that defendant's motion be denied, or alternatively, that only a ten day extension be granted to January 14, 2013." Pl.'s Opp'n. to Def.'s Second Mot. for Extension of Time to File Answer or Otherwise Respond (Jan. 4, 2013), ECF No. 12.

Opposing the motion, plaintiff notes that defendant's answer originally was due on November 19, 2012 and that defendant earlier moved, with plaintiff's consent, for an extension that resulted in the current due date of January 3, 2013. *Id.* at 2. Plaintiff argues that it will be prejudiced by an extension of the requested length, *id.* at 3, informing the court that the requested extension will interfere with its preparation of a complaint in a subsequent case involving similar subject matter, which complaint is due on February 11, 2012, and that its next protest for entries of similar products is due on January 16, 2013, *id.* at 1-2.

The court is not persuaded that plaintiff will be prejudiced by defendant's receiving a limited time extension. Defendant's answer may or may not be informative for plaintiff's preparation of future complaints and protests, but in any event that delay will not prevent plaintiff from taking procedural steps to protect its rights. Nevertheless, the court, cognizant of its obligation to ensure a speedy resolution of this action, USCIT R. 1, observes that defendant, as a result of the earlier extension, already has been granted 111 days to answer the complaint, which was served on September 14, 2012. Defendant states that due to the complex and technical nature of the issues involved, the number of allegations, and Hurricane Sandy, U.S. Customs and Border Protection has not completed its review of plaintiff's claims. Def.'s Mot. 2. Without more than defendant has presented, the court is not persuaded that a completion of that review is essential to defendant's preparation of an answer. Therefore, the court will not grant the full extension as requested. The court will allow defendant until January 25, 2013, to file its answer. By that time, defendant will have had more than 130 days to accomplish this filing.

In consideration of defendant's motion, plaintiff's response thereto, and all papers and proceedings herein, it is hereby

ORDERED that the time for the filing of defendant's answer to the complaint be, and hereby is, extended to January 25, 2013.

/s/ Timothy C. Stanceu

Timothy C. Stanceu

Judge

Dated: January 10, 2013
New York, New York