

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOSE ERNESTO MARTINEZ,
an individual,

Plaintiff,

vs.

THE FERGUSON LIBRARY
a division of the City of Stamford, and
ERNEST DIMATTIA,
the President in his Official Position

Defendants.

CIVIL ACTION NO.
3:07-cv-01212 (VLB)

MARCH 5, 2008

**PLAINTIFF’S FOURTH CONSENTED TO MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO DEFENDANTS’ MOTION TO DISMISS**

COMES NOW, Plaintiff, by and through undersigned counsel, hereby files its Fourth Consented To Motion for an Extension of Time to Respond to Defendants’ Motion to Dismiss and as grounds for this Motion, state the following:

1. Plaintiff filed his Complaint on August 8, 2007; and subsequently served Defendants, on August 24, 2007.
2. Defendants timely filed their Motion to Dismiss the Complaint on November 29, 2007.
3. On December 11, 2007, the Court granted Plaintiff’s Unopposed Motion for an Extension of Time to Respond to Defendant’s Motion to Dismiss until January 9, 2008.
4. On January 2, 2008, the Court granted Plaintiff’s second request for an extension of time to respond to Defendant’s Motion to Dismiss until February 23, 2008.

5. On February 26, 2008, the Court again granted Plaintiff's third request for an extension of time to respond to Defendant's Motion to Dismiss until March 10, 2008.

6. In their last Motion for extension, the parties stated that they "are still negotiating settlement, finalizing the agreement, have exchanged drafts of the terms and expect to have a completed settlement agreement within ten (10) business days."

7. Although the parties, for the purposes of settlement, have worked diligently and have resolved most of the issues in dispute, one major final point remains.

8. The parties sincerely intend and expect to have this issue resolved within the next twenty (20) days and request this honorable Court to indulge its request one final time.

9. Accordingly, Plaintiff, with Defendants' consent and approval, respectfully request that the deadline for Plaintiff to Respond to Defendant's Motion to Dismiss be moved from March 10, 2008, to March 24, 2008.

10. This motion is filed in good faith and not for the purposes of delay.

11. Granting this motion will not prejudice any of the parties to this action, will conserve valuable Court resources, and will allow the parties to keep attorney's fees down on both sides.

12. Plaintiff contacted counsel for Defendants regarding this motion and Defendants have consented to this extension.

WHEREFORE, Plaintiff, Jose Ernesto Martinez, with the approval and consent of counsel for the Defense, respectfully requests this honorable Court enter an Order Granting Plaintiff

an extension of time to respond to Defendants' Motion to Dismiss, up to and including March 24, 2008, and for such other relief as it deems necessary, just and proper.

Respectfully Submitted,

KU & MUSSMAN, P.A.
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By: /s/ Ioannis A. Kaloidis
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to: Loraine M. Cortese-Costa, Esq., and Michel Bayonne, Esq., Durant, Nichols, Houston, Hodgson & Cortese-Costa P.C. , 1057 Broad St., Bridgeport, CT 06604 on this 5th day of March, 2008.

By: /s/ Ioannis A. Kaloidis
Ioannis A. Kaloidis (ct25510)

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOSE ERNESTO MARTINEZ,	:	
an individual,	:	
	:	CIVIL ACTION NO.
Plaintiff,	:	3:07-cv-01212 (VLB)
	:	
vs.	:	
	:	
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a division of the City of Stamford, and	:	
ERNEST DIMATTIA,	:	
the President in his Official Position	:	
	:	
Defendants.	:	
	:	

**ORDER GRANTING PLAINTIFF’S FOURTH CONSENTED TO MOTION FOR AN
EXTENSION OF TIME TO RESPOND TO DEFENDANTS’ MOTION TO DISMISS**

THIS CAUSE, having come before the Court upon Plaintiff’s, Jose Ernesto Martinez, Fourth Consented To Motion for an Extension of Time to Respond to Defendants’ Motion to Dismiss, and the Court being fully advised in the premises.

IT IS HEREBY ORDERED AND ADJUDGED that said Motion is GRANTED.

DONE AND ORDERED in Chambers this ____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE

cc: All counsel of record