

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
	:	
	:	
PETER J. MURPHY,	:	DECEMBER 16, 2008
Respondent.	:	

**JOINT MOTION FOR EXTENSION OF TIME TO
RESPOND TO CROSS-MOTIONS FOR SUMMARY JUDGMENT**

Pursuant to Rule 7(b) of the Local Rules of Civil Procedure for the District of Connecticut, the petitioner and the respondent, by and through their respective counsel, hereby request an extension of time of twenty-one days, or until **January 7, 2009**, to file their responses to the cross-motions for summary judgment filed in compliance with the court's order dated March 5, 2008. This is the second request for an extension of time by the parties to respond to the cross-motions for summary judgment filed in the case, and **is prompted by Petitioner's counsel in that the computer server for the entire office crashed late last week and all data was temporarily lost.**

The grounds for this motion are as follows:

1. After trial by jury in the Superior Court for the Judicial District of Fairfield, the petitioner was convicted of murder, in violation of General Statutes § 53a-54a. On August 29, 2002, the trial court, *Kavanewsky, J.*, sentenced the petitioner to imprisonment for a term of twenty years to life. The petitioner appealed to the Connecticut Supreme Court, which affirmed his conviction on January 24, 2006. State v.

Skakel, 276 Conn. 633, 888 A.2d 985 (2006). The petitioner filed a petition for certification to the United States Supreme Court which was denied on November 13, 2006. Skakel v. Connecticut, ___ U.S. ___, 127 S.Ct. 578, 166 L.Ed.2d 428 (2006).

2. On August 25, 2005, the petitioner filed a petition for a new trial pursuant to General Statutes § 52-270 in the Superior Court for the Judicial District of Fairfield. The trial court, *Karazin, J.*, denied the petitioner's petition for a new trial on October 25, 2007. Skakel v. State, CV05-0006524-S, Judicial District of Fairfield.

3. The petitioner filed his application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on November 5, 2007. On November 8, 2007, this court issued an order to show cause that directed the respondent to file a response by November 30, 2007.

4. On November 29, 2007, the respondent filed a motion for extension of time seeking permission to file his answer to the petitioner's habeas corpus petition by December 21, 2007. On November 30, 2007, this court granted the respondent's motion. On December 21, 2008, the respondent filed his answer.

5. On March 5, 2008, this court ordered the petitioner and the respondent to file cross-motions for summary judgment by March 31, 2008.

6. Between March 11, 2008 and October 8, 2008, the parties filed nine joint motions for an extension of time to file their cross-motions for summary judgment, all of which were granted by the court.

7. The parties filed their cross-motions for summary judgment in compliance with the court's order on October 27, 2008. The current deadline for responding to the cross-motions filed by the parties is December 17, 2008.

8. As indicated in the opening paragraph, the computer server for the undersigned counsel's office crashed late last week and all data for the entire law firm was temporarily lost. The hard-drive for the server had to be sent to New Jersey to retrieve the data. The draft of the Reply Brief in this case is part of the data that was inaccessible. The server and data will be accessible to us within the next few days.

9. Counsel for the respondent is nearing completion of his response to the cross-motion for summary judgment filed by the petitioner. Counsel for the respondent, however, would benefit from additional time to prepare his response because it would allow him to further edit his submission and to prepare an additional appendix that will have to be filed with the response.

WHEREFORE, the petitioner and the respondent jointly move this court for an extension of time of twenty-one days, or until **January 7, 2009**, to file their responses to the cross-motions for summary judgment filed in this case.

Respectfully submitted,

MICHAEL C. SKAKEL

WARDEN PETER J. MURPHY

PETITIONER

RESPONDENT

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