

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

ROBERT STEINBUCH,

Plaintiff,

- against -

JESSICA CUTLER,

Defendant.

Case No. 1:05-CV-00970 (PLF)

**DEFENDANT’S CONSENT MOTION FOR ENLARGEMENT OF
TIME TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT**

Defendant Jessica Cutler (“Cutler”), by counsel and making for now a limited appearance, pursuant to Fed. R. Civ. P. 6(b), hereby moves for entry of an order enlarging the time to and including July 26, 2005, within which Cutler may answer or otherwise respond to plaintiff’s complaint.

Pursuant to D.D.C. Civ. R. 7(m), Cutler sought and obtained plaintiff’s consent to the relief requested in this motion via a telephone conferences with plaintiff’s counsel on June 23 and 29, 2005. A proposed order is submitted herewith.

Dated: Washington, D.C.
June 29, 2005

BERLINER, CORCORAN & ROWE, L.L.P.

Attorneys for Defendant

By: /s/ Thomas E. Wilson
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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANT'S CONSENT MOTION FOR ENLARGEMENT OF TIME
TO ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT**

Defendant Jessica Cutler ("Cutler"), by counsel and making for now a limited appearance, submits this memorandum of points and authorities in support of her Consent Motion for Enlargement of Time to Answer or Otherwise Respond to the Complaint, filed June 29, 2005. The facts on which Cutler relies are of record or are set forth herein as representations of counsel.

RELEVANT PROCEDURAL FACTS

This action for invasion of privacy by public disclosure of private facts and for intentional infliction of emotional distress was filed May 16, 2005. On June 15, 2005, Cutler was personally delivered a copy of the summons and complaint at Olsson's Books Records, 418 Seventh Street, N.W., Washington, D.C. 20004. No previous enlargements of time for responding to the pleadings in this action have been requested or granted. No other pre-trial deadlines or a trial date have been set. Pursuant to D.D.C. Civ. R. 7(m), Cutler has sought and

obtained plaintiff's consent to the relief sought in this motion.

ARGUMENT

The grounds for the enlargement of time Cutler seeks to answer or otherwise respond to the complaint are as follows. Assuming *arguendo* that Cutler was validly served by personal delivery on June 15, 2005, Fed. R. Civ. P. 12(a)(1)(A) obliges her to serve an answer or response within 20 days of the date of service, *i.e.*, no later than July 5, 2005. Fed. R. Civ. P. 6(b)(1) allows the Court "for cause shown . . . at any time in its discretion" to enlarge a prescribed period of time within which an act is required to be done if a motion requesting such relief is filed before "the expiration of the period originally prescribed."

Here, the cause for the relief sought is that the parties have agreed that additional time is appropriate for Cutler to address the issues raised in the complaint. In addition, because the response date prescribed under Rule 12(a)(1)(A) falls on the day immediately following the Independence Day holiday (Monday, July 4), counsel would likely have to work through the resulting three-day weekend to meet that deadline. Furthermore, this motion is filed before the expiration of the period originally prescribed.

CONCLUSION

For the foregoing reasons, the motion should in all respects be granted.

Dated: Washington, D.C.

June 29, 2005

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