

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT STEINBUCH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:05-CV-970 (PLF) (JMF)
)	Judge Paul L. Friedman
JESSICA CUTLER,)	Magistrate Judge John M. Facciola
)	
Defendant)	
_____)	

**MOTION TO EXTEND DISCOVERY
AND MEMORANDUM OF LAW IN SUPPORT**

On May 19, 2006, the Court set the discovery period in this case to run from that point until October 16, 2006. On June 2, 2006, Defendant filed a Motion to Dismiss for lack of jurisdiction and, on June 13, 2006, filed a Motion for Protective Order and Motion to Stay discovery pending the outcome of the motion to dismiss. On June 30, 2006, the Court granted the motion to stay discovery.

On August 22, 2006, the Court denied Defendant’s Motion to Dismiss and lifted the discovery stay, but did not address the effect that the stay would have on the running of deadlines which had either passed in the interim or would soon be reached. One such deadline was Plaintiff’s designation of experts; another was Defendant’s designation of experts; and a third is the expiration of the discovery period, currently set to expire on October 16, 2006.

Defendant has sought discovery from Plaintiff, but it is nearly certain that a motion to compel will be required. See Exhibits 1, 2, and 3, hereto. Defendant has sought discovery from Plaintiff’s present employer, but owing to a motion to quash filed by Plaintiff, that discovery was delayed while the Court considered – and denied in large part – Plaintiff’s motion. See Exhibit 4. Defendant has conducted various informal discovery, including contacting and interviewing witnesses and seeking

documents outside of the Court's discovery process. Defendant has also sought dates for Plaintiff's deposition, but owing to scheduling conflicts between counsel¹, no date has been provided thus far.

Defendant has sought the consent of Plaintiff in this Motion to Extend Discovery and has neither been rebuffed nor received agreement. However, given the passage of time and Plaintiff's unwillingness to commit one way or another, Defendant feels that it is necessary to file this Motion without further delay.

Therefore, Defendant asks the Court to extend the discovery period for an additional sixty days, from October 16, 2006 until December 15, 2006. Defendant has prepared an Order for the Court's consideration, which is attached hereto.

Respectfully submitted this 26th day of September, 2006.

/s/ Matthew C. Billips
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**COUNSEL FOR DEFENDANT
JESSICA CUTLER**

¹ Counsel for Defendant is presently set on a trial calendar for October 10, 2006 in the United States District Court for the Northern District of Georgia. Counsel for Plaintiff has indicated the existence of a conflict which extends from the present until October 10, 2006.

/s/ John R. Ates
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LOCAL COUNSEL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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ORDER

On May 19, 2006, the Court set the discovery period in this case to run from that point until October 16, 2006. On June 2, 2006, Defendant filed a Motion to Dismiss for lack of jurisdiction and, on June 13, 2006, filed a Motion for Protective Order and Motion to Stay discovery pending the outcome of the motion to dismiss. On June 30, 2006, the Court granted the motion to stay discovery.

On August 22, 2006, the Court denied Defendant’s Motion to Dismiss and lifted the discovery stay, but did not address the effect that the stay would have on the running of deadlines which had either passed in the interim or would soon be reached. Defendant has now filed a motion to extend discovery for a period of sixty days.

THEREFORE, having considered Defendant’s Motion to Extend Discovery and for good cause shown, the Court hereby ORDERS that the discovery period in this case shall be extended for a period of sixty days, until December 15, 2006.

HON. JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

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CERTIFICATE OF SERVICE

This is to certify that I have on this day served copies of the attached “**DEFENDANT’S MOTION TO EXTEND DISCOVERY**” by filing this Motion using the Court’s electronic filing system, which will automatically send an e-mail copy to counsel and by depositing a copy of same in the United States mail with adequate postage thereon, addressed as follows:

Jonathan Rosen, Esq.
1645 Lamington Road
Bedminster, New Jersey 07921

Jonathan Rosen, Esq.
1200 Gulf Blvd., 1506
Clearwater, Florida 33767

This 26th day of September, 2006.

/s Matthew C. Billips
Matthew C. Billips
Georgia Bar No. 057110

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