

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DELTA SIGMA THETA SORORITY, INC.	*	
Plaintiff,	*	
	*	
v.	*	CASE NO. 1:06CV01993
	*	(RMC)
	*	
DEREK & JAMAR PRODUCTIONS, LLC	*	
Defendant.	*	

\* \* \* \* \*

**MOTION FOR EXTENSION OF TIME  
TO FILE RESPONSIVE PLEADINGS**

COMES NOW THE Defendant, Derek & Jamar Productions, LLC  
(hereinafter "D&J") and files this Motion for Extension of Time to File Responsive  
Pleadings and states:

1. This case was apparently filed by Delata Sigma Theta Sorority, Inc. (hereinafter "Delta") the end of November 2006 and a waiver of service was mailed to Defendants at their office in New York City shortly thereafter.
2. Defendants' Registered Agent in New York apparently signed the Waiver of Service on December 15, 2006, and returned it to Delta's counsel. D&J then began a search for a lawyer admitted to practice in Washington, D.C.
3. Undersigned first spoke to D&J on Tuesday, January 30. Undersigned was retained on February 1, 2007, but did not receive the file or meet with D&J's representatives until Friday, February 2, 2007.
4. The Complaint filed by Delta is 31 pages long and requires a detailed response.

5. On Monday, February 5, 2007, undersigned spoke with counsel for Delta and requested an extension of time until Friday, February 16, 2007, to file responsive pleadings. Delta's counsel indicated that she would contact her client and respond promptly.

6. Undersigned received a voice mail message timed at approximately 6:30 p.m. February 5, 2007, from Delta's counsel indicating that she would be sending an email with Delta's position on D&J's request.

7. Since the time for filing a responsive pleading has passed, D&J dares wait no longer.

8. This Court has frequently stated its strong preference for resolving litigation on its merits rather than by default judgment. *Roosevelt Land L.P. v. Childress*, 2006 U.S. Dist. Lexis 45320 at \*5; *Keegel v. Key West & Caribbean Trading Co.*, 627 F.2d 372, 375 (D.C. Cir. 1980) (stating that "modern federal procedure favor[s] trials on the merits").

Therefore, the Court should Grant D&J's Motion for Extension of Time to File Responsive Pleadings until Monday, February 19, 2007.

Respectfully submitted,

Derek & Jamar Productions, L.L.C.  
By counsel,

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Counsel for Defendant Doug Fahey

By: \_\_\_\_\_  
David Zachary Kaufman, Bar# 435123

#### CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2007, I caused a true and correct copy of the following to be served by ECR on Devarieste Curry, Esq. counsel of record for Plaintiff Delta Sigma Theta Sorority, Inc.

\_\_\_\_\_  
David Zachary Kaufman

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	*	
DEREK & JAMAR PRODUCTIONS, LLC	*	
Defendant.	*	
* * * * *		

**ORDER**

This Court, upon Motion by Defendant Derek & Jamar Productions, LLC, after careful consideration of Plaintiff Delta Sigma Theta Sorority, Inc.’s position as expressed by its counsel, hereby

GRANTS Defendant Derek & Jamar Productions, LLC, Motion and ORDERS that the time for Defendant to file a responsive pleading be extended to February 19, 2007.

And the case continues.

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Judge Collyer