

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

REPUBLIC OF PERU,)	
)	
Plaintiff,)	
)	Case No. 1:08-cv-02109 (HHK)
v.)	
)	
YALE UNIVERSITY,)	
)	
Defendant.)	

**DEFENDANT’S MOTION
TO WITHDRAW WITHOUT PREJUDICE ITS MOTION TO DISMISS AND
FOR EXTENSION OF TIME TO RESPOND TO THE AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 6(b), Defendant Yale University respectfully moves for a two-week extension of time to May 21, 2009 to file a response to Plaintiff’s amended complaint. That response is intended to replace the pending motion to dismiss Plaintiff’s original complaint. In support of this motion, Defendant states the following:

1. Defendant filed its motion to dismiss [doc. # 10] on March 4, 2009. Plaintiff obtained a 30-day extension of time, until April 20, 2009, to file its opposition to that motion. On April 20, 2009, instead of filing that opposition, Plaintiff filed a 268-paragraph amended complaint pleading new factual material and three new causes of action.

2. In light of the amended complaint, Defendant seeks to withdraw without prejudice the pending motion to dismiss, which was directed to the original complaint, and file a new motion to dismiss that specifically addresses the amended complaint.

3. By operation of Federal Rules of Civil Procedure 15(a)(3) and 6(a)(2), (a)(3), (d), Defendant’s response to the amended complaint is currently due on May 7, 2009. In view of the significant quantity of new material in the amended complaint, Defendant requires an additional

two weeks to prepare and file a revised motion to dismiss. The extended deadline, if granted, will fall on May 21, 2009. (That date is only three days beyond the deadline that had been set for Defendant to file a reply to Plaintiff's anticipated opposition to the original motion to dismiss.)

3. This is Yale University's first motion for extension of time to respond to the amended complaint.

4. Defendant's counsel has left messages for Plaintiff's counsel to determine Plaintiff's position on this motion, but has not yet received a response from Plaintiff's counsel.

WHEREFORE, for the foregoing reasons, Defendant Yale University, respectfully withdraws without prejudice the pending motion to dismiss [doc. #10] and requests that the Court grant Defendant an additional two weeks, until May 21, 2009, to respond to the amended complaint.

Respectfully submitted,

Date: April 27, 2009

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