

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

NATIONAL VETERANS LEGAL  
SERVICES, et al.,

*Plaintiffs,*

v.

UNITED STATES OF AMERICA

*Defendant.*

Civil Action No. 16-745 (ESH)

**OPPOSED MOTION FOR EXTENSION OF TIME**

Defendant hereby moves, pursuant to Federal Rule of Civil Procedure 6, for an extension of time in which to respond to Plaintiffs' Motion For Summary Judgment as to Liability, up to and including November 19, 2017. This is Defendant's first request for an extension of its deadline to respond to Plaintiff's Motion. Counsel for Plaintiffs has informed the undersigned that Plaintiffs oppose the relief requested in this Motion, stating that "you may inform the court that the plaintiffs consent to a 30-day extension, up to an including October 18, but oppose a longer extension."

Good cause exists to grant the relief requested:

1. Plaintiffs filed their Complaint in this matter on April 21, 2016. *See* ECF No. 1.
2. On December 5, 2016, the Court denied Defendant's Motion to Dismiss, *see* ECF No. 24, and granted Plaintiffs' Motion to Certify a Class, *see* ECF No. 32.
3. The Court granted Plaintiffs' Motion for Approval of Revised Plan of Class Notice and Class Notice Documents on April 17, 2017. *See* ECF No. 44.

4. After receiving one extension of time, Plaintiffs filed their Motion for Summary Judgment as to Liability on August 28, 2017. *See* ECF No. 52.

5. On September 5, 2017, three *amici curiae* briefs were filed in support of Plaintiffs' Motion. *See* ECF Nos. 53, 55–56.

6. Defendant's opposition to Plaintiffs' motion is currently due by September 18, 2017. *See* Min. Order (July 5, 2017).

7. Counsel for Defendant have several conflicts and pressing matters that will make it difficult to respond to Plaintiffs' motion, and the three *amici* briefs, by September 18. Accordingly, Defendant requests that this Court extend their deadline to respond to Plaintiffs' motion by sixty days.

8. AUSA Field is currently engaged in extensive discovery, including numerous depositions over the next two weeks. Additionally, AUSA Field has significant filing deadlines in several matters over the next month, including several substantial dispositive motions. Moreover, AUSA Field will be trial beginning on October 16, 2017, and lasting through (at least) October 20, 2017. In advance of this trial, AUSA Field has extensive pre-trial obligations and filing deadlines.

9. AUSA Nebeker is also unable to complete the needed response before mid-November due to his responsibilities in several other matters. He currently has three cases coming to the end of discovery and has had no fewer than five dispositive motions to complete since the time that Plaintiffs filed their Motion For Summary Judgment. AUSA Nebeker also has at least four other dispositive motions due before the end of October.

10. Additionally, agency counsel is currently scheduled to be out of the office traveling for several depositions over the next weeks, making it difficult for the undersigned to work with

agency counsel to complete a response to Plaintiff's Motion before the requested deadline of November 19.

11. Given that the papers filed by plaintiffs on August 28, 2017, and those of Amici are over 350 pages, Defendant believes that this additional time to brief summary judgment on liability is appropriate.

For the foregoing reasons, the Defendant requests that the Court enter the relief requested in this Motion. A proposed order accompanies this motion.

September 13, 2017

Respectfully submitted,

CHANNING D. PHILLIPS  
D.C. Bar #415793  
United States Attorney

DANIEL F. VAN HORN  
D.C. BAR # 924092  
Chief, Civil Division

By: /s/ Brian J. Field  
W. MARK NEBEKER, DC Bar #396739  
BRIAN J. FIELD, D.C. BAR #985577  
Assistant United States Attorney  
555 4th Street, N.W.  
Washington, D.C. 20530  
Tel: (202) 252-2551  
E-mail: Brian.Field@usdoj.gov

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**[PROPOSED] ORDER**

Upon consideration of Defendant's Opposed Motion for Extension of Time, and the entire record herein, it is hereby

**ORDERED** that Defendant's Opposed Motion for Extension of Time be and is **GRANTED**; and it is further

**FURTHER ORDERED** that Defendant shall file its response to Plaintiffs' Motion for Summary Judgment as to Liability by November 19, 2017.

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States District Judge