PEARSE-HOCKER v. USA Doc. 27

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ANNE PEARSE-HOCKER,)	
Plaintiff,)	
) Case No. 10-269C	
V.)	
) Judge Edward J. Dami	ch
UNITED STATES,)	
)	
Defendant.)	

PLAINTIFF'S SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO GOVERNMENT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff, Anne Pearse-Hocker, by and through her undersigned counsel, pursuant to Rule 6 of the Rules of the Court of Federal Claims and to Paragraph 4 of the Court's Special Procedures Order [Dkt. 21], hereby moves for a 7-day extension of time from January 27, 2011, until February 3, 2011, to file her opposition to the Government's motion for partial summary judgment [Dkt. 25]. In support of her motion, Plaintiff avers as follows:

- 1. Plaintiff's opposition brief to the Government's motion for partial summary judgment on Plaintiff's breach of contract claim is currently due on January 27, 2011.
- 2. Since the preliminary status conference held on December 7, 2010, the parties have significantly narrowed the gulf between their proposals for settlement of this case and continue to engage in regular, active discussions regarding settlement of all claims in this case. Further, since the Court granted Plaintiff an extension until January 27, 2011, to file her opposition, the Parties have further exchanged very similar proposals that, in counsel's estimation, will likely result in the terms of a settlement in principle being reached within a matter of days.
- 3. However, counsel for Plaintiff requires several additional days to confirm that several elements of the terms discussed would indeed be acceptable to Plaintiff and counsel for

the government similarly requires additional time to confirm the government's agreement to the

terms. Given this situation, Plaintiff anticipates that postponing the due date for Plaintiff's

opposition brief by an additional 7 days would permit the parties to determine whether the most

recently discussed terms would in fact be acceptable to both parties. If so, Plaintiff would not be

forced to incur the potentially unnecessary expense of preparing an opposition brief to the

Government's motion for partial summary judgment.

4. Plaintiff would agree to a corresponding further extension of the deadline for the

government's reply brief from February 9, 2011, to February 16, 2011. Further, because fact

discovery is not scheduled to commence until February 1, 2011, no other deadlines would need

to be modified.

5. Counsel for the Government advises that the Government does not oppose the

instant motion or the relief requested herein.

WHEREFORE, Plaintiff, Anne Pearse-Hocker, respectfully requests that the Court grant

her unopposed motion and further extend the deadline for her opposition brief to the

Government's motion for partial summary judgment to February 3, 2011, and that the Court

similarly extend the deadline for the Government's reply brief to February 16, 2011.

Respectfully submitted,

THOMPSON HINE LLP

Dated: January 26, 2011

By: /s/ Eric Heyer

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Counsel for Plaintiff Anne Pearse-Hocker

CERTIFICATE OF SERVICE

I, Eric Heyer, hereby certify that on this 26th day of January, 2011, I will cause a true and correct copy of the foregoing Plaintiff's Second Unopposed Motion for Extension of Time to File Opposition to Government's Motion for Partial Summary Judgment to be served via the Court's ECM/ECF system on the following:

Walter W. Brown United States Department of Justice

Attorney for the United States

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