PEARSE-HOCKER v. USA Doc. 28

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 THIRD 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 14-day extension of time from February 3, 2011, until February 17, 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 February 3, 2011.
- 2. Since the preliminary status conference held on December 7, 2010, the parties have engaged in regular, productive discussions regarding settlement of this case. The parties have reached agreement in principle as to two of the three elements that would be necessary to resolve this case in its entirety. Further, following discussions between counsel, on January 28, 2011, the undersigned provided draft language on the third element to counsel for the Government and counsel for the Government advises that he is still awaiting feedback from the Smithsonian regarding the acceptability of the third element and its terms. The undersigned therefore anticipates that agreement as to the terms of the third element of the overall settlement will be reached in short order and that an additional 14 days should be sufficient time for such an

agreement to be reached.

3. Postponing the due date for Plaintiff's opposition brief by an additional 14 days

should allow the Government sufficient time to determine whether the proposed terms as to the

third element of the overall settlement are acceptable. If so, an overall agreement regarding the

major material terms for settlement of the case will have been reached and 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 16, 2011, to March 2, 2011. Further, as fact discovery

only commenced on February 1, 2011, and is not scheduled to close until June 30, 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 17, 2011, and that the Court

similarly extend the deadline for the Government's reply brief to March 2, 2011.

Respectfully submitted,

THOMPSON HINE LLP

Dated: February 2, 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 2nd day of February, 2011, I will cause a true and correct copy of the foregoing Plaintiff's Third 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

| /S/ | Eric Heyer | |
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