

**KELLIE WHITE GRAZIOSI** :

Plaintiff/Counter-Defendant, :

v. : No. 3:11-cv-80 (CAR)

**METLIFE INVESTORS USA** :

**INSURANCE COMPANY** :

Defendant/Counter-Claimant, :

**KEN TARASZKA, Administrator of** :

**the Estate of deceased STEVEN** :

**TARASZKA, EUGENE TARASZKA,** :

**ANN TARASZKA** :

Counter-Defendants. :

Before the Court is Eugene, Ann, and Ken Taraszka's, Counter-Defendants, MetLife Investors USA Insurance Company's (MetLife), Counter-Claimant's, Stipulation of Time for Counter Defendants' to Respond to Interpleader Counterclaim [Doc. 40]. When this Court granted Defendant's Counterclaim-in-Interpleader, Counter-Defendants were directed to respond to MetLife's Counterclaim-in-

Interpleader within twenty-one days of being served with process. See Doc. 31. On November 3, 2011, Ken Taraszka was served with process; Eugene and Ann Taraszka were both served with process the next day, November 4. Docs. 35, 36, 37. On November 23, 2011, Counter-Defendants filed a stipulation of extension of time until Friday, December 23, 2011, to file a response, a thirty day extension. Specifically, movants requested that they be given until Friday, December 23, 2011, to file a response. Although not included in writing within the Stipulation itself, Plaintiff/Counter-Defendant Graziosi has represented to the Court that she does not object to the extension.

Normally, a Stipulation without the Court's approval to extend the time to file a response, answer or otherwise a defensive pleading is allowed pursuant to Local Rule 6.1. L.R. 6.1. This extension is limited to a maximum of thirty days and must be stipulated to by the parties. Id. If a motion is not stipulated to or if more than thirty days is needed, the party should seek an extension under Rule 6(b) of the Federal Rules of Civil Procedure. Id.; Fed. R. Civ. P. 6(b). Rule 6(b) allows the Court to grant a motion for an extension of time when the movant makes a showing of good cause. Fed. R. Civ. P. 6(b).

In this case, Counter-Defendants have filed a Stipulation of an Extension of Time for thirty days to file their response. The Stipulation states that the Taraszkas and MetLife have stipulated to the thirty day extension and that the “responses to the Counter-claim interpleader are now to due filed ... December 23, 2011.” Doc. 40 (sic). Such language appears, at first glance, to be a stipulation pursuant to Local Rule 6.1. However, a closer review indicates that Plaintiff/Counter-Defendant Graziosi has not stipulated in writing to the extension, as is required under the Local Rules. See L.R. 6.1. Although Plaintiff has represented to the Court that she does not object to the extension, she has also represented that she does not consent to the extension. Regardless, this representation is not in writing as is required under Local Rule 6.1. Further, Counter-Defendants cite to Federal Rule of Civil Procedure 6(b)(1)(A) as their basis for such an extension. Presuming then that Movants are filing a *Motion* under Federal Rule of Civil Procedure 6(b)(1)(A) and not a *Stipulation* under Local Rule 6.1, the Court must then consider whether they have established a showing of good cause under Rule 6(b)(1). See Fed. R. Civ. P. 6(b)(1). Yet, to make matters even more confusing, Counter-Defendants have failed to provide even the slightest explanation for the extension, let alone a showing of good cause.

Because of the indecisive nature of Counter-Defendant's filing, the Court **DIRECTS** Counter-Defendants Eugene Taraszka, Ann Taraszka, and Ken Taraszka, to **RE-FILE their Stipulation for an Extension of Time [Doc. 40] by December 9, 2011,** as either a stipulation that all parties have agreed to in writing pursuant to Local Rule 6.1 or a motion pursuant to Federal Rule of Civil Procedure 6(b)(1).

**SO ORDERED**, this 2nd day of December, 2011.

S/ C. Ashley Royal  
C. ASHLEY ROYAL  
UNITED STATES DISTRICT JUDGE

LMH