

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

_____)	
SPECIALIST JEREMY HALL, <u>et al.</u>)	
)	
Plaintiffs,)	
)	
v.)	Case No. 08-2098-JWL-DJW
)	
MAJOR FREDDY J. WELBORN, <u>et al.</u>)	
)	
Defendants.)	
_____)	

**DEFENDANTS’ UNOPPOSED MOTION
TO EXTEND TIME TO ANSWER**

Defendants Robert Gates and Freddy J. Welborn, in their official capacities, by and through undersigned counsel, hereby move this Court for its Order granting them an extension of time to answer or otherwise respond to Plaintiffs’ complaint.

In support of this motion, Defendants state:

1. Pursuant to Federal Rule of Civil Procedure 12(a)(2), Defendants have 60 days after service on the United States Attorney within which to answer or otherwise plead. Defendants originally calculated their responsive pleading as being due May 12, 2008, and requested a ten-day extension of time to answer or otherwise respond to Plaintiffs’ complaint pursuant to D. Kan. Rule 77.2(a)(2). The Clerk of the District Court granted this request by order on May 9, 2008, giving Defendants until May 27, 2008, to answer or otherwise respond to the complaint. See Dkt. #4.

2. On May 13, 2008, Plaintiffs filed an executed summons with the Court. That summons showed that Plaintiffs made service on the United States Attorney on May 9, 2008. See Dkt. #5.

3. Defendants request that they have 60 days from May 9, 2008, to answer or otherwise respond to the complaint. The additional time is requested for Defendants to prepare a meaningful and responsive pleading to respond to Plaintiffs' complaint.

4. This motion is not intended to hinder or unduly delay the proceedings in this case. Nor will it prejudice any of the parties to this action.

5. Counsel for Plaintiffs has been consulted and consents to the requested extension.

WHEREFORE, Defendants respectfully request that this Court extend to July 8, 2008, the time in which Defendants have to answer or otherwise respond to Plaintiffs' complaint.

Dated: May 27, 2008

Respectfully submitted,

GREGORY G. KATSAS
Acting Assistant Attorney General

ERIC MELGREN
United States Attorney

VINCENT M. GARVEY
Deputy Director, Federal Programs Branch

/s/ Eric B. Beckenhauer
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Counsel for the United States of America

ELECTRONICALLY FILED

CERTIFICATE OF SERVICE

I hereby certify that on this date, May 27, 2008, the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following:

Counsel for Plaintiffs

Elizabeth R. Herbert, erh@irigonegaray.com

Pedro L. Irigonegaray, pli@plilaw.com

Robert V. Eye, bob@plilaw.com

I further certify that on this date the foregoing document and the notice of electronic filing were mailed by first-class mail to the following non-CM/ECF participants:

None.

/s/ Eric B. Beckenhauer

ERIC B. BECKENHAUER
Trial Attorney
U.S. Department of Justice