

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM V. AGUIAR III, an individual

Plaintiff,

v.

FLOYD WEBB, BARRON SHEPPARD,
WENDY SHEPPARD, and ASHIDA KIM
a/k/a Christopher Hunter a/k/a Bradford
Davis

Defendants.

CIVIL ACTION NO.
07-11673-MLW**MOTION TO EXTEND TIME TO FILE DEFENDANT WEBB'S
RESPONSE TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Defendant Floyd Webb hereby moves this Court for an extension of time up to and including October 19, 2007 within which Defendant Webb may oppose or otherwise respond to Plaintiff Aguiar's Motion for Preliminary Injunction dated September 28, 2007 (the "Motion for Preliminary Injunction").

As set forth in the Declaration of Brandy A. Karl, submitted herewith, there is good cause for the proposed extension. Undersigned counsel for Defendant Webb was notified of the complaint in the above-captioned matter prior to service and on September 13, 2007 notified the Plaintiff that she would accept service on behalf of Defendant Webb. Defendant Webb was served with the complaint on September 18, 2007. On October 3, 2007, undersigned counsel for Defendant Webb was served via postal mail with Plaintiff's Motion for Preliminary Injunction, filed on September 28, 2007. Because undersigned counsel had not yet made an electronic notice of appearance, and *pro se* Plaintiff Aguiar failed to confer with the undersigned counsel regarding the motion,

significant delay resulted. The answer and counter-claim to the complaint in this matter is due October 9, 2007 and the opposition to the Motion for Preliminary Injunction is due October 12, 2007. There are no other dates (including hearing dates, discovery cut-off dates, hearing deadlines, pre-trial conference dates, or trial dates) currently set in this matter. Due to the proximity of the deadlines for filing Defendant Webb's answer and opposition to the Motion for Preliminary Injunction, Defendant Webb requests a one-week extension of time to file the opposition to Plaintiff's Motion for Preliminary Injunction.

The Defendant acted diligently in seeking the present extension. Defendant's counsel, upon being served with the motion contacted *pro se* Plaintiff Aguiar the next day to request a modest one-week extension of time within which to file an opposition to the Motion for Preliminary Injunction. Plaintiff denied this request.

For the reasons described above, there is good cause to grant the extension of Defendant's time in which to oppose or otherwise respond to Plaintiff's complaint.

A proposed order is attached hereto.

Respectfully submitted this 4th day of October, 2007.

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I certify that counsel for Defendant Webb and *pro se* Plaintiff Aguiar have conferred in an attempt to resolve or narrow the issues presented by this motion and no agreement was reached.

DATED: Stanford, California
October 4, 2007

FLOYD WEBB,

By his attorney,

/s/ Brandy A. Karl
Brandy A. Karl (BBO #661441)
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CERTIFICATE OF SERVICE

I hereby certify that this document filed on October 4, 2007, through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the above date.

/s/ Brandy A. Karl
Brandy A. Karl