

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 4:10-cv-142-D

MARK DANIEL LYTTLE,
Plaintiff,
v.
UNITED STATES OF AMERICA, et al.,
Defendants.
MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE
RESPOND TO COMPLAINT FOR
DEFENDANT UNITED STATES OF
AMERICA
Fed. R. Civ. P. 6(b)
Local Civil Rule 6.1

UNITED STATES' UNOPPOSED MOTION FOR EXTENSION OF
TIME TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Local Civil Rule 6.1, the
United States respectfully requests that the Court extend the time for it to answer or otherwise
respond to plaintiff's complaint by thirty days, up to and including January 27, 2011. This is the
first such extension of time requested by the United States in this action. Counsel for the United
States has conferred with counsel for plaintiff, Mark Daniel Lyttle, and is authorized to represent
that plaintiff does not oppose the requested extension of time.

Lyttle filed this action on October 13, 2010. See Docket No. 1. Because he effected
service on the U.S. Attorney for the Eastern District of North Carolina on October 25, 2010, the
United States is currently required to answer or otherwise respond on or before December 27,
2010. See Fed. R. Civ. P. 12(a)(2).

Lyttle's complaint is forty pages in length, contains 187 paragraphs of allegations, asserts
eleven separate claims for relief, and names in addition to the United States three individual

Federal defendants and various unidentified Federal agents. See Compl. Lyttle also has filed a related action in the Northern District of Georgia that is similar in breadth and scope and names in their individual capacity an additional eight individual Federal defendants and several unidentified Federal agents. See Lyttle v. United States, No. 10-3302 (N.D. Ga.), Docket No. 1. The undersigned represents all of the Federal defendants in both of Lyttle's actions. But due to the amount of time needed to become familiar with these factually-rich cases and coordinate the defense of multiple defendants across two different law suits, in addition to other professional commitments, the undersigned respectfully requests additional time to answer or otherwise respond to plaintiff's complaint on behalf of the United States.¹

For the reasons stated above, and for good cause shown, the United States respectfully requests that the Court extend the deadline for it to answer or otherwise respond to plaintiff's complaint until and including January 27, 2011.

Respectfully submitted this 22nd day of December 2010,

TONY WEST
Assistant Attorney General, Civil Division

TIMOTHY P. GARREN
Director, Torts Branch

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Senior Trial Counsel, Torts Branch

¹ We also wish to make the Court aware that soon all of the Federal defendants named in both actions brought by Lyttle expect to file a motion with the Judicial Panel on Multidistrict Litigation ("MDL Panel"). In that motion we anticipate requesting the MDL Panel to consolidate Lyttle's two actions and centralize them in this District.

/s/ James R. Whitman

JAMES R. WHITMAN

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