

sixty-three pages, contains 221 paragraphs, and names an additional eight individual Federal defendants. *See id.* Given the factual and legal similarities between the two cases, all Federal defendants named in both actions filed a motion with the United States Judicial Panel on Multidistrict Litigation (the “MDL Panel”) on December 23, 2010, seeking centralization of both cases in this Court. *See In Re Mark Daniel Lyttle Litig.*, MDL No. 2227, Doc. No. 1.¹

All Federal defendants named in the instant action then filed a motion on January 11, 2011, requesting that this Court grant a temporary stay of pretrial proceedings pending the MDL Panel’s decision. *See* Doc. No. 27.² Based on communications with plaintiff’s counsel, it was our understanding that plaintiff would oppose the Federal defendants’ request for a temporary stay, and so indicated in that motion. *See id.* at 1 n.1. On today’s date, however, plaintiff filed a “Notice of Consent to Stay,” indicating that plaintiff consents to the Federal defendants’ motion for a temporary stay. *See* Doc. No. 29. But because that motion remains pending (as it was filed only a few days ago), Caputo’s response to the complaint remains due on or before January 18, 2011.

The extension of time requested in this motion is therefore consistent with the motion that the Federal defendants have filed with the MDL Panel and the motion seeking a stay that they have filed with this Court. Independently, the requested extension of time is necessary to provide the undersigned with additional time to prepare a response to plaintiff’s lengthy complaint and to coordinate the defense of multiple defendants across two different law suits.

¹ Federal defendants also filed a copy of the MDL motion with this Court on December 23, 2010. *See* Doc. No. 26.

² Also on January 11, 2011, the Federal defendants in the Georgia action filed a similar motion seeking a temporary stay of pretrial proceedings in that case as well. *See Lyttle v. United States*, No. 10-3302 (N.D. Ga.), Doc. No. 34.

Aside from the stay motion (which, if granted, would eliminate the need for the relief requested in this motion), this is the first extension of time requested by Caputo.

For the reasons stated above, and for good cause shown, Caputo respectfully requests that the Court extend the deadline for him to answer or otherwise respond to plaintiff's complaint until and including February 22, 2011.³

Respectfully submitted this 13th day of January 2011,

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³ This is the same day by which defendant Robert Kendall is currently required to answer or otherwise respond to plaintiff's complaint.

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CERTIFICATE OF SERVICE

I certify under penalty of perjury that on January 13, 2011, I electronically filed “Defendant Caputo’s Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Complaint” using the Court’s CM/ECF system, which will send notification of such filing to the following counsel of record:

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