

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TERESA E. THORNTON AND JEREMIAH
C. MITCHELL, as Co-Administrator of the
Estate of CURTIS L. MITCHELL, deceased,

Plaintiffs,

vs.

Civil Action No.: 2:10-cv-01436

CITY OF PITTSBURGH; ROBERT J.
MCCAUGHAN; MARK A. BOCIAN;
RONALD V. ROMANO; JOSIE DIMON;
ANDREW LAGOMARSINO; KIM LONG;
NORMAN AUVIL; RON CURRY;
ALLEGHENY COUNTY; and COUNTY OF
ALLEGHENY DEPARTMENT OF
EMERGENCY SERVICES,

Defendants.

**PLAINTIFFS' MOTION FOR AN EXTENSION OF TIME IN WHICH TO
RESPOND TO THE DEFENDANTS' MOTIONS TO DISMISS**

AND NOW, come the Plaintiffs, Theresa Thornton and Jeremiah Mitchell, as Co-Administrators of the Estate of Curtis Mitchell, by and through their undersigned counsel, Robert F. Daley, Esquire; D. Aaron Rihn, Esquire; and the law firm of Robert Peirce & Associates, and files this Motion for an Extension of Time in which to Respond to the Defendants' Motions to Dismiss, and in support thereof aver as follows:

1. Plaintiffs' Complaint alleges that the decedent, Curtis L. Mitchell, suffered injury and death as a result of the constitutional deprivations, gross negligence and willful misconduct of the Defendants.

2. This case was initially filed in the Court of Common Pleas of Allegheny County, but was subsequently removed to this court on the basis of federal subject matter jurisdiction.

3. The Complaint asserts claims against the City of Pittsburgh, the County of Allegheny, and various employees and/or agents of both municipal entities.

4. All Defendants sought, and were granted, additional time in which to file a responsive pleading to the admittedly lengthy and complicated Complaint.

5. The Defendants filed Motions to Dismiss the Complaint on December 1, 2010. The Defendants' separate Motions raise a number of complicated and varied issues of law, and in some cases, rely upon different authority. The City's Brief in support of its Motion was alone in excess of thirty (30) pages.

6. The Plaintiffs' Responses are currently due on December 27, 2010.

7. The Plaintiffs respectfully request an additional thirty (30) days to file their Responses to ensure that they have adequately addressed each of the issues.

8. Counsel for the Defendants consent to this Motion under the condition that other existing deadlines, such as the Scheduling Conference currently scheduled for January 28, 2011, and the Initial Rule 26 Disclosures be moved accordingly. Defendants suggest that these deadlines be moved to March, 2011.¹

Respectfully submitted,

ROBERT PEIRCE & ASSOCIATES, P.C.

By: /s/ D. Aaron Rihn, Esquire
D. AARON RIHN, ESQUIRE
Pa. I.D. No.: 85752
2500 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219
(412) 281-7229
Counsel for Plaintiff

¹ Counsel for County Defendant has reviewed a draft of this Motion and approved this form. Counsel for City Defendants has approved the substance of this Motion, but not yet review the draft itself.