

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

LINCOLN MEMORIAL UNIVERSITY	)	
DUNCAN SCHOOL OF LAW,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:11-CV-608
	)	(VARLAN/SHIRLEY)
THE AMERICAN BAR ASSOCIATION,	)	
	)	
Defendant.	)	

**ORDER**

This civil action is before the Court on defendant's Motion for Extension of Time to Respond to Plaintiff's Complaint [Doc. 22]. Defendant moves the Court for an additional twenty-one (21) days beyond the deadline of January 18, 2012, up to and including February 8, 2012, to respond to plaintiff's verified complaint. In support of the motion, defendant submits that plaintiff's verified complaint contains one hundred and twenty-six (126) allegations, comprising of nearly forty (40) pages. Defendant also submits that the verified complaint was filed in the midst of the holiday season. Further, defendant submits that it has had to respond to plaintiff's motion for injunctive relief.

Defendant informs the Court that defendant's counsel contacted plaintiff's counsel, requesting that the parties enter into a stipulation of the twenty-one (21) day extension, but plaintiff's counsel declined to agree. Plaintiff's counsel confirmed this opposition to the Court at the January 6, 2012 hearing on plaintiff's request for injunctive relief, and subsequently filed a response in opposition.

Plaintiff asserts various reasons why the extension should not be granted [Doc. 29]. First, plaintiff stresses the emergency nature of this case and asserts the same harms it asserts with respect to its request for preliminary injunctive relief. Second, plaintiff claims that defendant is “readily able to respond to [p]laintiff’s [c]omplaint by the proper deadline of January 18, 2012” because defendant “has long been apprised of the issues involved in this case” and had “no fewer than six lawyers present at the hearing on January 6.” Third, plaintiff claims that defendant “presents nothing in support of its request for an extension other than the length of [plaintiff’s] [c]omplaint,” a contention that cannot be meritorious because defendant itself offered an affidavit containing 115 paragraphs and plaintiff was able to respond to such within three days.

Rule 6(b) provides that, “[w]hen an act may or must be done within a specified time, the court may, for good cause” extend the time upon motion “before the original time or its extension expires.” Fed. R. Civ. P. 6(b). As the original time to respond to the verified complaint has not yet expired, this Rule governs, and so long as defendant has established good cause the Court may extend defendant’s time to respond to the verified complaint.

The Court finds defendant has established good cause. Plaintiff commenced this action on December 22, 2011, two days after defendant rendered its decision denying plaintiff provisional accreditation, and filed a motion for preliminary injunctive relief on the same day. The Court promptly scheduled a hearing regarding the motion for injunctive relief for January 6, 2012, and defendant filed a response in accordance with the Court’s order on January 3, 2012. During this same time, both parties filed numerous documents with the

Court. Although plaintiff asserts defendant's claim that it has not been able to respond to plaintiff's lengthy verified complaint lacks merit, the Court finds otherwise given that defendant has had to respond to plaintiff's request for injunctive relief, a request that was not uncomplex as evidenced by the hearing that lasted over four hours and by the numerous documents filed in connection thereto. Also, although the Court recognizes the harms plaintiff asserts are occurring and will continue to occur until a final decision on the merits is rendered in this case, after reviewing the record, the Court finds the requested relief is warranted.

Accordingly, the Court hereby **GRANTS** defendant's Motion for Extension of Time to Respond to Plaintiff's Complaint [Doc. 22]. Defendant shall have twenty-one (21) days, beyond the deadline of January 18, 2012<sup>1</sup>—that is up to and including February 8, 2012—in which to file a response to the verified complaint.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>It is noted that plaintiff does not object to January 18, 2012 as the original deadline for responding to the verified complaint.