

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

GEORGE A. SHORT,)
)
Plaintiff)
)
 v.)
)
MICHAEL CHERTOFF, SECRETARY)
UNITED STATES DEPARTMENT OF)
HOMELAND SECURITY,)
)
Defendant)
)

Civil Action No. 05-01034 (RMU)

MOTION FOR EXTENSION OF TIME

The defendant respectfully requests an extension of time to allow defendant to complete discovery in this matter. Pursuant to the Court’s Scheduling Order, discovery is currently scheduled to end on June 22, 2007.

On May 3, 2007, defendant served on plaintiff its first set of interrogatories and document requests. A response was due within 30 days. As of the filing of this motion, plaintiff has not submitted to defendant responses to defendant’s written discovery requests.

Defendant also has attempted to schedule the deposition of plaintiff prior to the close of discovery. Defendant contacted plaintiff’s counsel on June 5, 2007, to obtain a convenient date on which to depose plaintiff before discovery closed. Plaintiff’s counsel represented that she was unavailable for deposition beginning on June 14 until mid-July. On June 6, 2007, defendant served a notice to take the deposition of plaintiff on June 13, 2007. Plaintiff’s counsel then responded that she

was not available for deposition on June 13, 2007, and plaintiff did not appear for the deposition.¹

Plaintiff's counsel previously has represented that she is available for deposition on July 12, 13, 16, 19, 20, 30, 31, 2007. Therefore, defendant respectfully requests an extension of time to July 20, 2007, to allow defendant to obtain the responses to its written discovery requests and to depose the plaintiff on a date mutually convenient to the parties.

On June 14, 2007, defendant attempted to contact plaintiff's counsel to discuss discovery issues and left a voice mail and e-mail message asking counsel to call defendant's counsel. Defendant received no response from plaintiff's counsel. On June 15, 2007, defendant has attempted, without success, to contact plaintiff's counsel to request her consent to this motion by calling and leaving a voice mail message on her office telephone and by sending an e-mail to her office. This is the first motion for extension of time to complete discovery filed by defendant.

Respectfully submitted,

_____/s/_____
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United States Attorney

_____/s/_____
RUDOLPH CONTRERAS, D.C. Bar #434122
Assistant United States Attorney

_____/s/_____
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¹ Plaintiff has not filed any written discovery requests. Plaintiff has not noticed any depositions.