

**IN UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 15-cv-20782-Martinez-Goodman

DENNIS MONTGOMERY,

Plaintiff,

v.

RISEN, ET AL.

Defendants.

**MOTION FOR EXTENSION OF TIME TO FILE
OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Plaintiff, Dennis Montgomery, hereby moves this honorable Court for an extension of three (3) days, or until and including January 13, 2016 to file an opposition to Defendant's Motion For Summary Judgment and as grounds therefor would show:

- 1) On December 12, 2015 Defendants filed their Motion for Summary Judgment (ECF. No. 201).
- 2) The response in opposition to this motion is currently due on January 8, 2016.
- 3) Plaintiff's counsel has been ill in the past week, and has been extensively traveling, which has not helped with his illness.
- 4) In addition, Defendants' motion is lengthy and contains numerous issues that must be addressed in full in Plaintiff's opposition.
- 5) An extension of three (3) days will allow Plaintiff's counsel the additional time needed to recover from the illness and review Defendants' motion for summary judgment and file a response.

- 6) Importantly, to adequately and completely respond to the Defendants summary judgment motion, Plaintiff requires the transcript of the hearing before Magistrate Judge Jonathan Goodman last Tuesday, January 5, 2015. This transcript from a four and one half hour hearing, which has been expedited, will not be available until early next week. The proceedings set forth on this transcript are crucial to Plaintiff's response.
- 7) Plaintiff sought consent from Defendants' counsel for the filing of this motion. Defendants do not consent to the total of a short three (3) days requested in this motion, although they requested 14 days to file a reply, which Plaintiff would agree to if Defendants consented to Plaintiff's requested three (3) days.
- 8) Neither party will be prejudiced as a result of this very short extension.
- 9) Plaintiff will not seek any further extensions.

WHEREFORE, Plaintiff respectfully requests an extension of three (3) days, or until and including January 13, 2016, to file an opposition to Defendant's Motion for Summary Judgment.

Dated: January 8, 2016

Respectfully submitted,

/s/ Larry Klayman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January, 2016, a true and correct copy of the foregoing was filed and served via CM/ECF upon the following:

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