

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

DENNIS L. MONTGOMERY

Plaintiff,

v.

JAMES RISEN, ET AL.,

Defendants.

Civil Action No. 1:15-cv-20782-JEM

**PLAINTIFF'S REPLY TO DEFENDANTS' RESPONSE TO MOTION FOR
EXTENSION OF TIME TO FILE OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Defendants' Response to Motion for Extension of Time to File Opposition to Defendants' Motion for Summary Judgment is unnecessary. First, as set forth in Plaintiff's motion for a very brief three-day extension, lead counsel Larry Klayman has been ill and has been traveling extensively in the last month. He only returned to the office last Friday. In addition, Plaintiff's counsel has been short-staffed due to the holiday season, as well as illness by other employees. Second, the transcript is critical because certain admissions were made by defense counsel concerning the alleged software, which is a material part of the argumentation in their motion for summary judgment. This transcript – which has been ordered – will not be available until early next week, presumably, not long before the date that Plaintiff requested for a brief three-day extension. Third, it is unnecessary for Plaintiff's opposition to Defendants' summary judgment motion to be filed before mediation on January 13, 2016, particularly since Defendants' counsel has advised Plaintiff's counsel that they will not settle under any circumstances. In addition, the mediator has been provided with pleadings which give him a full understanding of the case and

its current posture, including Defendants' prior case-dispositive motions. Fourth, and most important, a three-day extension until and including January 13, 2016 will not work any prejudice to any party or this honorable Court. As a reciprocal courtesy, Plaintiff's counsel agreed to allow Defendants' fourteen days to file a reply to Plaintiff's summary judgment opposition. Defendants' Response was therefore unnecessary.

Dated: January 10, 2016

Respectfully submitted,

/s/ Larry Klayman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of January 2016, a true and correct copy of the foregoing was served via CM/ECF upon the following:

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