

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DEWAYNE THOMAS,	)	
	)	
Plaintiff,	)	NO. 08 C 36
	)	
v.	)	HON. MATTHEW KENNELLY
	)	Judge Presiding
CITY OF CHICAGO, ILLINOIS, and	)	
Chicago Police Officer, F.L MICELI #10297	)	MAG. JUDGE SCHENKIER
Chicago Police Officer; R. MARTINEZ #15547	)	
	)	
Defendants.	)	

**DEFENDANT OFFICER’S AGREED MOTION  
FOR ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE PLEAD**

Defendants, Frank MICELI and Rafael MARTINEZ(“Defendants”)<sup>1</sup>, by one of their attorneys, Thomas H. Freitag, Assistant Corporation Counsel of the City of Chicago, respectfully request this Honorable Court, pursuant to FRCP 6(b)(1), to enlarge their respective times to answer or otherwise plead to Plaintiff’s Complaint in this matter thirty (30) days from today’s date, up to and including March 17th, 2008.

In support of this motion, the undersigned state as follows:

1. I, the undersigned Thomas H. Freitag, am one of the Assistant Corporation Counsel of the City of Chicago assigned to represent the two served Defendants in this matter.
2. Due to administrative delays in processing the Defendants requests for representation, related to the recent filing of Plaintiff’s Complaint on January 2nd, 2008, it was only in the last week that the Individual Defense Litigation Division was first able to learn of the completed service on both Defendants.

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<sup>1</sup> Defendants, those Police Officers having been served in this matter, file this Motion solely on their own behalf, and not on behalf of any other named or unnamed defendants.

3. We therefore have not had a chance to discuss the allegations contained in Plaintiff's Complaint with our clients in order to adequately answer or otherwise plead in this matter on their behalves. Answering on behalf of all Defendants at the same time will provide uniform briefing schedules as well as improved efficiencies for the Court.

4. We are therefore requesting a thirty (30) day enlargement of time from today, February 14th, 2008, to answer or otherwise plead for the served Defendants, up to and including March 17th, 2008.

5. I discussed this matter with Plaintiff's counsel Katie Ehrmin by telephone, and, under the circumstances, stated she had no objection to this motion.

6. Plaintiff has not been prejudiced by the delay in responding to his Complaint since the time service was had, and will not be prejudiced by the granting of this motion.

7. This motion is filed in good faith, and is not intended for the purpose of undue delay.

WHEREFORE, Defendants respectfully move this Honorable Court to enlarge their respective time thirty (30) days from today, up to and including March 17th, 2008, to answer or otherwise plead in this matter.

Respectfully submitted,

FRANK MICELI, and  
RAFAEL MARTINEZ

By one of their attorneys,

30 North LaSalle Street, Suite 1400  
Chicago, Illinois 60602  
(312) 742-7391  
Atty. No. 6272245

/s/ Thomas H. Freitag  
Thomas H. Freitag  
Assistant Corporation Counsel