

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

WAYNE BOYD AND WHITFIELD R.
BOYD,

Plaintiffs,

V.

SYSKO CORPORATION, SYSKO
CORPORATION GROUP BENEFIT PLAN,
AND UNITED BEHAVIORAL HEALTH,

Defendants.

Case Number: 4:13-cv-00599-RBH

MOTION FOR ENLARGEMENT OF TIME

Pursuant to Rule 6(b), Fed. R. Civ. Proc. and Local Civil Rule 6.01, Defendants hereby move for an order enlarging their time and request an extension of seven (7) days to file their memoranda in support of summary judgment. Defendants memoranda is currently due January 9, 2015, and Defendants would request an extension to January 16, 2015.

Defendants' motion is made on the grounds that the Court's order of August 26, 2014, gave each party sixty (60) days to file cross-memoranda in support of judgment from the date of the Court's ruling on any discovery motions. The Court ruled on Plaintiffs' last discovery motion on November 10, 2014. Thereafter, Defendants produced the required materials on December 11, 2014. Defendants did not know if Plaintiffs intended to file any responsive motions and have thus been in a state of flux since their production of materials in compliance with the Court's November 10, 2014 ruling. On January 7, 2015, counsel for Defendants reached out to counsel for Plaintiffs in an attempt to clarify whether Plaintiffs intended to file any additional discovery motions, and whether counsel for Plaintiffs wished to seek clarification or a definitive date for cross-memoranda from the parties and said request was declined.

As a further grounds for request, the Defendants expected that Plaintiffs would object to the Administrative Record, and the parties had not yet agreed on the Administrative Record. On January 6, 2015, counsel for Plaintiffs asked if Defendants intended to file previously produced Administrative Record, and based on the request, Defendants still anticipate some objection to the Administrative Record to be produced. Based on the ongoing disagreement over the record, there has been confusion over the actual due dates and expected action of the other parties.

The undersigned affirms that, prior to filing this motion, he attempted to communicate with Plaintiffs' counsel, but was unable to do so and filed this motion in an effort to alert the Court of the request at the earliest possible time.

s/Robert L. Brown
Robert L. Brown Fed. ID No.: 10255
CLAWSON and STAUBES, LLC
1612 Marion Street, Suite 200
Columbia, South Carolina 29201
Phone: 800.774.8242; Fax: 843.722.2867
rbrown@clawsonandstaubes.com; 20134250
Attorneys for Defendants

January 8, 2015

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served via electronic filing upon the following the 8th day of January, 2015:

Blaney A. Coskrey, III
1201 Main Street, Suite 1980
Columbia, SC 29201

/s/Robert L. Brown
Robert L. Brown