

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JUNE SHEW, et al.	:	
<i>Plaintiffs</i>	:	CIVIL ACTION NO.
	:	3:13-CV-00739-AVC
	:	
v.	:	
	:	
DANNEL P. MALLOY, et al.	:	
<i>Defendants</i>	:	September 3, 2013

CONSENT MOTION FOR EXTENSION OF TIME

Pursuant to Rule 9 of the Local Rules of Procedure, the Defendants, with the consent of Plaintiffs, respectfully request until October 11, 2013, to respond to Plaintiffs' Motion for Summary Judgment that was filed on August 23, 2013.

The parties have conferred and request that the Court set the following case deadlines:

October 11, 2013 – Deadline for Defendants' Opposition to Plaintiffs' Motion for Summary Judgment, and Defendants' Cross Motion for Summary Judgment.

November 12, 2013 – Deadline for Plaintiffs' Reply to Defendants' Opposition and Plaintiffs' Opposition to Defendants' Motion for Summary Judgment.

December 9 – 19, 2013 – Time period for a date for oral argument before the Court, if requested by a party at the conclusion of briefing, and at the convenience and option of the Court.

Defendants request this extension of time because they presently have only 28 days to respond to Plaintiffs' motion for summary judgment under the current scheduling order.¹

¹ Under the current schedule, Defendants are required to file an opposition to the motion for preliminary injunction by September 20, 2013. (*See* July 24, 2013 Order, Docket #42, ordering Defendants file "their brief in opposition to the plaintiffs' motion" on or before September 13, 2013, a date that was extended to September 20, 2013 in

Plaintiffs' motion is an extensive dispositive motion, and is supported by a fifty page brief, numerous exhibits, three amicus briefs and a 164 paragraph Rule 56(a)(1) statement of facts. Defendants require until October 11, 2013 to adequately respond to all of Plaintiffs' filings, and Plaintiffs do not oppose that request.

In addition to filing their opposition, Defendants also intend to file a cross motion for summary judgment at the same time as their opposition to Plaintiffs' motion. Defendants wish to file both their motion and opposition concurrently for coherency, ease of reference to exhibits and affidavits, to conserve judicial resources, and to establish a more clear record in the event of any appeal.

Defendants' counsel, numerous state officials and Defendants' witnesses, are diligently working to prepare Defendants' opposition and cross motion for summary judgment. Due to scheduling conflicts, work travel and preplanned vacations of several of Defendants' anticipated affiants during the last weeks of August and first weeks of September, however, it is impracticable for Defendants to finalize their summary judgment record, brief and opposition before October. In addition to requiring more time to consult with their witnesses and finalize affidavits, Defendants must also prepare their own Rule 56(a)(1) statement, respond to Plaintiffs' 164 paragraph Rule 56(a)(1) statement with a Rule 56(a)(2) statement, finalize drafting of a memorandum in opposition to summary judgment and a memorandum in support of their own summary judgment, and permit internal review within the Office of Attorney General and by relevant state agencies and named Defendants.

Plaintiffs' consent motion for extension of time filed August 12, 2013). Defendants believe Plaintiffs' motion for preliminary injunction has been superseded, in whole or part, by their filing of a motion for summary judgment in which they seek permanent injunctive relief. (Doc. #60).

Given the brevity of the current 28 day response period, the multiple scheduling conflicts of Defendants' affiants during these last days of summer, and counsels' obligations in other cases, additional time is necessary and appropriate. Permitting Defendants until October 11, 2013 to file their opposition and cross motion for summary judgment will not unduly prejudice Plaintiffs, who have consented to this motion, or unnecessarily delay judgment in this case, which was only filed in May of this year. This is Defendants' first request for an extension of this deadline.

For the foregoing reasons, Defendants respectfully request they be permitted until October 11, 2013 to file their opposition to Plaintiffs' motion for summary judgment and their motion to preliminary injunction, to the extent it is not now moot, and to file their cross motion for summary judgment in this case.

Respectfully Submitted,

DEFENDANTS
DANNEL P. MALLOY, et al.

GEORGE JEPSEN
ATTORNEY GENERAL

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CERTIFICATION

I hereby certify that on September 3, 2013, a copy of the foregoing Motion to for Extension of Time was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

BY: /s/ Maura Murphy Osborne
Maura Murphy Osborne