

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

SECOND AMENDMENT ARMS, et. al.,	)	
	)	Civil Case No: 1:10-cv-4257
Plaintiffs,	)	
	)	Hon. Robert M. Dow, Jr.
v.	)	U.S. District Judge
	)	
CITY OF CHICAGO, et. al.,	)	Hon. Sheila M. Finnegan
	)	U.S. Magistrate Judge
Defendants.	)	

PLAINTIFFS' UNOPPOSED MOTION  
TO EXTEND TIME TO FILE THIRD AMENDED COMPLAINT

Now comes Plaintiffs, SECOND AMENDMENT ARMS (a d/b/a of R. Joseph Franzese), R. JOSEPH FRANZESE, individually and d/b/a SECOND AMENDMENT ARMS, ROBERT M. ZIEMAN, SR., ICARRY, an unincorporated Association (a d/b/a of Shaun Kranish), and SHAUN A. KRANISH, by and through his attorney, Walter Maksym, and respectfully request that they be granted an extension of time within which to file their Third Amended Complaint, stating as follows:

1. On September 25, 2012, this Court entered an order giving Plaintiffs until October 16, 2012 to file their Third Amended Complaint. (Doc. 85)

2. By reason of Plaintiffs' counsel's need to undergo total hip replacement surgery (the "surgery") by Dr. Richard Wixson at Northwestern Memorial Hospital scheduled for November 9, 2012 and related tests, procedures and examinations, it has become necessary to request this first extension of time to file said

Third Amended Complaint.

3. In preparation for the surgery, Plaintiffs' undersigned counsel has recently had to undergo and will undergo, *inter alia*, extensive preoperative tests and examinations including but not limited to time consuming in-hospital chemical stress, preoperative examinations and tests by his internist and orthopaedic surgeons, an MRI, preoperative therapeutic sessions three time per week, and multiple preoperative blood donations to be banked for the surgery.

5. Plaintiffs' counsels surgeon has advised him that post-operative recovery with respect to mobility may take six to twelve weeks.

6. Defendants' counsel has advised Plaintiffs' undersigned counsel that they not opposed this request for extension of time.

7. This Motion is timely made in good faith for purposes of necessity only in order to obtain additional time to complete and file Plaintiffs' Third Amended Complaint due to the impact of the foregoing on Plaintiffs' counsel and his practice, and not for purposes of delay.

8. That due to his need for the surgery, which will hopefully alleviate his severe, chronic pain and discomfort, Plaintiffs' counsel, a sole practitioner, suffers substantial limitation of mobility and therefore requests that he be allowed

to present this motion electronically.

9. Plaintiffs' counsel verifies this Motion pursuant to the Certification hereto.

WHEREFORE, Plaintiff respectfully prays that this Court enter an order extending the time to file the Third Amended Complaint to December 22, 2012, permit this motion to be heard telephonically, and grant such other further relief as this Court may deem fair, just and proper in the premises.

Respectfully submitted,

R. Joseph Franzese D/B/A/ Second Amendment Arms, Robert M. Zieman, Sr., Icarry, Shaun A. Kranish, and Tony Kole, Plaintiffs,

By /s/ Walter P. Maksym, Jr.  
Walter P. Maksym, Jr., their attorney

VERIFICATION BY CERTIFICATION

The undersigned attorney certifies that he has read the foregoing instrument, that to the best of his knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

/s/ Walter P. Maksym, Jr.

Walter P. Maksym, Jr.  
Attorney at Law  
2056 N. Lincoln Avenue  
Chicago, IL 60614-4525  
Telephone: (312) 218-4475  
e-mail: wmaksym@gmail.com