

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

James Lutchter Negley, Plaintiff,	§	
	§	
	§	
vs.	§	Civil Action No. SA-12-CV-00362-OLG
	§	
Federal Bureau of Investigation, Defendant.	§	
	§	

**DEFENDANT’S UNOPPOSED MOTION FOR 14-DAY EXTENSION OF TIME TO  
RESPOND TO PLAINTIFF’S MOTION FOR RECONSIDERATION AND TO FILE  
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

TO THE HONORABLE ORLANDO GARCIA, U.S. DISTRICT JUDGE:

NOW COMES the Federal Bureau of Investigation, Defendant herein, by and through the United States Attorney for the Western District of Texas, and respectfully submits this Motion for a 14-day extension of time. Defendant would show the Court the following:

1. On April 10, 2013, Plaintiff filed his Motion for Reconsideration (docket no. 33). Pursuant to Local Court Rule CV-7(e)(2), Defendant’s deadline to respond to this Motion is **April 22, 2013**.
2. Undersigned counsel was out of the office on a family vacation from April 10- April 16, 2013, and advised the Court and opposing counsel of this schedule. (*See* docket no. 32, letter of February 28, 2013).
3. Pursuant to the Court’s Amended Scheduling Order of September 26, 2012 (docket no. 23), the deadline to submit dispositive motions is also **April 22, 2013**, the first business day after April 20, 2013. *See* Fed. R. Civ. P. 6(a)(1)(C).
4. While in the process of drafting the Vaughn Declaration to support a Motion for Summary Judgment, the F.B.I. recognized last week that approximately 130 pages of documents

were not originated by the F.B.I., but apparently originated in the United States Attorney's Office for the Western District of Texas. After further review and consultation with the Department of Justice's Executive Office for United States Attorneys (EOUSA), the F.B.I. was able to determine that only 56 pages of these documents originated in the USAO-WDTX and needed to be addressed by EOUSA rather than the F.B.I., pursuant to 28 C.F.R. § 16.4. These documents have been referred to EOUSA, which is preparing a supplemental disclosure to Plaintiff. The individual responsible for reviewing these documents and preparing a declaration will be out of the office between April 25 and May 1. (Some of the documents submitted to EOUSA for review are also the subject of Plaintiff's pending Motion for Reconsideration).

5. In order to present a coherent Motion for Summary Judgment, undersigned counsel must coordinate numerous exhibits as well as Vaughn Declarations. Several other matters have required undersigned counsel's attention which have prevented the completion of the Motion for Summary Judgment and the Response to Plaintiff's Motion for Reconsideration by April 22:

a. On Sunday April 14, 2013, undersigned counsel's mother-in-law died after a lengthy illness. Undersigned counsel will be in Dallas April 23-24 for memorial services.

b. Undersigned counsel was required to prepare a Second Amended Answer for filing in No. DR-10-cv-78, *Cabello et al. v. United States et. al*, in addition to declarations from eleven individual defendants in support of a Motion for Summary Judgment in this case;

c. Undersigned counsel is required to prepare and file a Motion for Summary Judgment in No. SA-12-cv-101-OG, *Rogers v. Shinseki*, with a current deadline of April 30, 2013;

d. Undersigned counsel may be required to prepare for and attend the

requested deposition of a doctor in No. SA-12-cv-129, *Brooks v. Shinseki* before May 3, 2013.

**Certificate of Conference**

6. I hereby certify that I conferred with Plaintiff's counsel, Mr. John Carroll, on April 22, 2013 regarding this Motion, and that Plaintiff's counsel reported that Plaintiff is unopposed to this request for a 14-day extension of time.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that the deadlines for Defendant to respond to Plaintiff's Motion for Reconsideration and to submit its Motion for Summary Judgment be extended by 14 days from April 22, 2013 through May 6, 2013.

DATED: April 22, 2013

Respectfully submitted,

**ROBERT PITMAN,**  
United States Attorney

AGENCY COUNSEL:  
Jeannette Wise  
Office of the General Counsel  
Federal Bureau of Investigation  
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Room PA-400  
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By: /s/ Robert Shaw-Meadow  
**ROBERT SHAW-MEADOW**  
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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant's Unopposed Motion for 14-day Extension of Time was electronically filed via the Court's CM/ECF system on this 22nd day of April, 2013, and was served via ECF as follows:

John F. Carroll  
Attorney at Law  
111 West Olmos Drive  
San Antonio, Texas 78212

/s/ Robert Shaw-Meadow  
**ROBERT SHAW-MEADOW**  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

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**ORDER**

The matter before the Court is Defendant's Unopposed Motion for 14-day Extension of Time (docket no. 34), filed April 22, 2013.

After reviewing Defendant's Motion and the status of this case, the Court is of the opinion that the Motion should be GRANTED.

Accordingly, IT IS THEREFORE ORDERED that Defendant's deadlines to submit its Response to Plaintiff's Motion for Reconsideration and to submit its Motion for Summary Judgment are HEREBY EXTENDED from April 22, 2013 through May 6, 2013.

**SIGNED AND ENTERED** this \_\_\_\_ day of April, 2013.

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HON. ORLANDO GARCIA  
U.S. DISTRICT JUDGE