## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
)		
v.	)	Case No.: WMN 05 CV 1297
	)	
JOHN BAPTIST KOTMAIR, et al.,	)	
	)	
Defendants.	j	

## **MOTION TO EXTEND TIME**

The United States of America hereby moves to extend by two weeks, or until May 8, 2006, the time to respond to Defendant Save-a-Patriot's (SAPF) Motion to Compel discovery responses.

On October 5, 2005, the Court issued a scheduling order setting a February 17, 2006, discovery deadline in this case. On the February 17, 2006 discovery deadline, Defendant SAPF asserted that on January 16, 2006 it had served discovery requests that remained unanswered. The United States was unaware of the requests, but agreed to supply responses, and specifically stated to SAPF's counsel that no objections were waived, to which he agreed. The discovery requests are noted in the status report prepared by the United States and filed on February 17, 2006. The discovery responses were mailed on February 28, 2006.

On March 22, 2006, the Court held a conference call with the parties. During the conference, the Court inquired whether any further discovery was necessary. The parties all reported to the Court that there was no need for further discovery. Notwithstanding these statements, on March 30, 2006 – thirty-two days after service of the responses – SAPF's counsel stated that he intended to file a motion to compel discovery responses. Plaintiff requested that

SAPF supply the basis for the motion to compel and state which responses were considered inadequate. SAPF failed to do so. The parties agreed that SAPF's counsel would call on March 31, 2006, to informally discuss the motion to compel discovery. SAPF's counsel failed to call at the agreed time; and, when he later called, stated only that he intended to file the motion to compel without specifying which responses he considered inadequate.

This Court does not require filing motions to extend time but "no extension of time limits set in any scheduling order entered by the Court shall be made without the Court's prior approval."

On April 4, 2006, SAPF's counsel agreed to a thirty-day extension for the United States' response to the motion to compel.

Respectfully submitted,

ROD J. ROSENSTEIN

United States Attorney

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## **CERTIFICATE OF SERVICE**

<sup>&</sup>lt;sup>1</sup> L.R. 104.8.a.

IT IS HEREBY CERTIFIED that service of the foregoing MOTION TO EXTEND has been made upon the following by depositing a copy in the United States mail, postage prepaid, this 10th day of April, 2006.

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