

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA

JANE DOE #1 and JANE DOE #2,

Petitioners,

vs.

UNITED STATES,

Respondent.

**RESPONDENT'S UNOPPOSED MOTION FOR A TWO (2) DAY ENLARGEMENT OF TIME TO
SERVE ITS REPLY TO PETITIONERS' RESPONSES TO GOVERNMENT'S MOTION TO DISMISS
AND ITS RESPONSE TO PETITIONERS' PROTECTIVE MOTION FOR REMEDIES**

Respondent, by and through its undersigned counsel, hereby files its *Unopposed Motion for a Two (2) Day Enlargement of Time to Serve Its Reply Petitioners' Responses to Government's Motion to Dismiss and Its Response to Petitioners' Protective Motion for Remedies*, and states:

1. On December 5, 2011, Petitioners filed their Response to Government's Sealed Motion to Dismiss for Lack of Subject Matter Jurisdiction (D.E. 127), as well as an accompanying Sealed Supplemental Response; a Response to Government's Sealed Motion to Stay (D.E. 129); a Protective Motion for Remedies (D.E. 128); and a Protective Motion to Compel (D.E. 130). Respondent's replies to Petitioners' responses were due on December 15, 2011, while responses to Petitioners' two motions were due on December 22, 2011.

2. On December 15, 2011, Respondent moved for an enlargement of time, up to and including January 6, 2012, to file its responses and replies. The Court granted Respondent's motion on December 15, 2011. D.E. 137.

3. On January 6, 2012, Respondent moved for a second enlargement of time, up to and

including January 24, 2012, to file its responses and replies. The Court granted that motion on January 9, 2012. D.E. 139.

4. Since the Petitioners' December 5th filings, Assistant U.S. Attorney Marie Villafaña has been occupied with, *inter alia*, investigating and preparing for an evidentiary hearing that was originally scheduled for January 24, 2012, on a motion filed pursuant to 28 U.S.C. § 2255 by an incarcerated individual. She has also been involved in an investigation involving an active death threat, and she is scheduled to begin back-to-back trials before Judge Ryskamp on January 30, 2012 in *United States v. Anes Joseph*, Case No. 11-80165-Cr-Ryskamp(s) (S.D. Fla.), and *United States v. Keslin Joseph*, Case No. 12-80003-Cr-Ryskamp (S.D. Fla.). Assistant U.S. Attorney Dexter Lee was similarly preparing for trial in a civil case, *M.C. v. United States*, Case No. 11-20216-Civ-Ungaro (S.D. Fla.), during that period. That trial began on Monday, January 23, 2012, and concluded this afternoon following the conclusion of plaintiff's case pursuant to Fed. R. Civ. P. 52(c). As a result of these commitments and obligations, AUSAs Villafaña and Lee have had very little time to devote to the instant matter during the preceding weeks, and the undersigned, who has previously had limited involvement with the matter, undertook to assist them in preparing the pertinent responses and replies.

5. Although the undersigned has worked diligently – including late into the evenings and during the preceding two weekends and federal holiday – to prepare the government's reply to the Petitioners' responses to the government's Motion to Dismiss and the government's response to the Petitioners' Motion for Protective Remedies, the undersigned has not yet been able to complete those memoranda and will be unable to file them by the current due date.¹ In addition,

¹ The government, however, has today filed its reply to Petitioners' Response to Government's Sealed Motion to Stay (D.E. 129) and its response to Petitioners' Protective Motion

due to the undersigned's limited involvement with this matter, those memoranda must be reviewed prior to filing by others who have a complete working knowledge of the matter and its history, including AUSA Lee, who has been handling this matter for the last three years but who is currently in trial.

6. In order to complete the government's reply to the Petitioners' responses to the government's Motion to Dismiss and the government's response to the Petitioners' Motion for Protective Remedies, the government will need an additional two (2) days, through and including January 26, 2012.

7. This motion is not made for purposes of delay or for any other improper purpose. Rather, the requested extension of time is necessary for the government to prepare its responses and replies in this matter. Given the circumstances in this case and the nature of the issues raised in the Petitioners' filings, the requested extension of time is reasonable and should not cause the Petitioners any undue prejudice. Indeed, Petitioners' counsel, Bradley Edwards, Esq., has represented that Petitioners do not oppose the extension of time requested in this motion.

WHEREFORE, respondent respectfully requests a two (2) day enlargement of time, up to and including January 26, 2012, to serve its reply to petitioners' responses to the government's sealed motion to dismiss for lack of jurisdiction and to serve its response to Petitioners' protective motion for remedies.

to Compel (D.E. 130).

DATED: January 24, 2012

Respectfully submitted,

WIFREDO A. FERRER
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 24, 2012, the foregoing *Unopposed Motion for a Two (2) Day Enlargement of Time to Serve Its Reply Petitioners' Responses to Government's Motion to Dismiss and Its Response to Petitioners' Protective Motion for Remedies* was filed with the Clerk of the Court and served on counsel on the attached list using CM/ECF.

s/Eduardo I. Sánchez
Eduardo I. Sánchez
Assistant United States Attorney

SERVICE LIST

Jane Does 1 and 2 v. United States,
Case No. 08-80736-CIV-MARRA/JOHNSON
United States District Court, Southern District of Florida

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