

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**JOHN DOE, a minor, by his parents and
Next friends, SUSAN AND JACK DOE,**

Plaintiffs,

vs.

Case No.: 6:18-cv-00102-RBD-GJK

VOLUSIA COUNTY SCHOOL BOARD,

Defendant.

_____ /

**DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A
RESPONSE TO THE PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

The Defendant, The School Board of Volusia County, Florida,¹ moves pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure and Local Rule 3.01 for an eight day extension of time to file its response to the Plaintiff's motion for preliminary injunction, (Doc. 24), making the new deadline for the response March 20, 2018. The relief sought by this motion is unopposed. The Court should grant this motion for the reasons stated in the memorandum of law that follows.

MEMORANDUM OF LAW

On February 23, 2018 the Plaintiff, a high school student in the Defendant's school district, filed a motion for preliminary injunction and requested oral argument. (Doc. 24). By Order, the Court set the deadline for the Defendant's response to the Plaintiff's motion for preliminary injunction for on or before March 12, 2018. (Doc. 25). Oral argument for the

¹ The correct name for the Defendant is The School Board of Volusia County, Florida. § 1001.40, Fla. Stat. (2017).

matter is set for April 3, 2018. (Doc. 26).

The Defendant respectfully requests an eight day extension of time to file its response to the Plaintiff's motion for preliminary injunction, making the new deadline March 20, 2018. The Defendant has good cause for the requested extension. *See* Fed. R. Civ. P. 6(b)(1)(A). Specifically, the high school the Plaintiff attends in the Defendant's school district is engaged in testing this week, March 5, 2018 through March 9, 2018, and the school district is out for its spring break next week, March 12, 2018 through March 16, 2018. The Defendant anticipates that it will need affidavits and/or declarations from staff members at the high school the Plaintiff attends and/or other employees in the school district to appropriately respond to the Plaintiff's motion for preliminary injunction.² The requested extension will give the Defendant sufficient time to receive the affidavits and/or declarations, while not interrupting the testing and spring break. Additionally, the requested extension will give the Defendant sufficient time to prepare its response.

The requested extension is unopposed. The new proposed deadline is two weeks in advance of the scheduled oral argument on the matter and will not unduly delay these proceedings or prejudice the Plaintiff.

CONCLUSION

The Court should therefore grant the motion and make the new deadline to respond to the Plaintiff's motion for preliminary injunction March 20, 2018.

² There has been no order granting a request to present evidence at the April 3, 2018 hearing. *See* (Doc. 25 at 2, n. 1).

CERTIFICATE OF GOOD FAITH

Pursuant to Local Rule 3.01(g), the Defendant has conferred in good faith with counsel for the Plaintiff and the relief sought by this motion is unopposed.

Respectfully submitted,

/s/ Thomas M. Gonzalez _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 6th day of March, 2018, by CM/ECF electronic filing to the Clerk of Court and to the following:

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