

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STACY BAILEY,
Plaintiff,

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VS.
MANSFIELD INDEPENDENT
SCHOOL DISTRICT,
DR. JIM VASZAUSKAS, AND
DR. KIMBERLY CANTU,

CIVIL ACTION NO. 3:18-CV-01161-L

Defendants.

**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND TIME FOR PLAINTIFF TO FILE
AMENDED COMPLAINT AND/OR PLAINTIFF’S RESPONSE AND BRIEF TO
DEFENDANTS’ RULE 12(b)(6) MOTION TO DISMISS FOR FAILURE TO STATE A
CLAIM, AND SUPPORTING BRIEF, AND IN THE ALTERNATIVE, MOTION FOR
MORE DEFINITE STATEMENT**

TO THE HONORABLE SAM A. LINDSAY,
UNITED STATES DISTRICT JUDGE:

COMES NOW, the Plaintiff, Stacey Bailey, the Plaintiff to the above action, and hereby submits Plaintiff’s Unopposed Motion to Extend Time for Plaintiff to File Amended Complaint and/or Plaintiff’s Response and Brief to Defendants’ Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, and Supporting Brief, and, in the Alternative, Motion For a More Definite Statement, and respectfully shows the Court as follows:

1.

Defendant filed its Defendants’ Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, and Supporting Brief, and, in the Alternative, Motion For a More Definite Statement, on August 10, 2018. The current deadline for Plaintiff to file her response and brief is August 31, 2018. Because Plaintiff’s counsel was in trial from August 20, 2018 through August 27, 2018, Plaintiff seeks an extension until September 18, 2018.

2.

Plaintiff would show the Court as follows:

Plaintiff's counsel had to prepare for and attend trial from August 20, 2018 through August 27, 2018 in Cause No. 342-272270-14; *Annie Taylor-Curtis and Kerry Hughes v. City of Fort Worth*.

Plaintiff's counsel had to prepare for and attend a minor prove up on August 14, 2018 in Cause No. DC-17-00373; *Phillip Cates and Randi Cates, Individually, and on behalf of S.C., A. Minor v. Danielle Pena, Kemper General Agency, Inc. d/b/a Kemper Preferred and Home State County Mutual Insurance Company*.

Plaintiff's counsel had to prepare for and attend a Motion to Recuse on August 17, 2018 in Cause No. 342-272270-14; *Annie Taylor-Curtis and Kerry Hughes v. City of Fort Worth*.

Plaintiff's counsel had to prepare for and attend a deposition on August 28, 2018 in Cause No. DC-18-02766; *Vickie Hawkins v. Aramark Services, Inc., Aramark Campus, LLC, and Northwest Independent School District and/or the Entity that Employed Plaintiff as of February 1, 2017*.

Plaintiff's counsel has to prepare for, travel to and attend oral argument in the Fifth Circuit Court of Appeals on September 5, 2018 in No. 17-11250; *Joe Alviar, Jr. v. Macy's Incorporated, et al*; USDC No. 3:16-cv-1633.

Plaintiff's counsel will be out of the office September 6-7, 2018 to attend the State Bar of Texas Advance Civil Appellate CLE in Austin, Texas.

3.

Defendant filed its Defendants' Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, and Supporting Brief, and, in the Alternative, Motion For a More Definite Statement, on August 10, 21018.

Rule 15(a)(1)(B) provides a party may file an Amended Complaint within 21 days of filing a Motion to Dismiss under Rule 12(b) or (B). Fed. R. P. 15(a)(1)(B).

Plaintiff requests additional time to prepare an amended complaint and/or a response to Defendants' Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, and Supporting Brief, and, in the Alternative, Motion For a More Definite Statement as it determines is appropriate.

Plaintiff seeks to extend the deadline to file an Amended Complaint in response to Defendants' Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, and Supporting Brief, and, in the Alternative, Motion For a More Definite Statement and otherwise file a response to Defendants' Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, and Supporting Brief, and, in the Alternative, Motion For a More Definite Statement until September 18, 2018.

4.

Thomas E. Myers, Counsel for Defendant, agrees to this motion to extend time.

5.

This motion is not sought for delay but, so that justice may be served.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this unopposed motion be granted and the Court order the deadline for Plaintiff to file an Amended Complaint and/or her response to Defendants' Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, and Supporting Brief until September 18, 2018 in the above styled and numbered cause.

Respectfully submitted,

/s/ JASON C.N. SMITH
JASON C.N. SMITH
State Bar No. 00784999

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CERTIFICATE OF CONFERENCE

Plaintiff's counsel, Jason C.N. Smith conferred with Thomas E. Myers, counsel for Defendant, on August 22, 2018 regarding this motion. Mr. Myers agrees to this motion. Therefore it is submitted to the Court for determination.

/s/ JASON C.N. SMITH
JASON C.N. SMITH

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2018, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court and in accordance with the Federal Rules of Civil Procedure. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means: Thomas E. Myers.

/s/ JASON C.N. SMITH
JASON C. N. SMITH