

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

STACY BAILEY,	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 3:18-CV-01161-L
MANSFIELD INDEPENDENT	§	
SCHOOL DISTRICT,	§	
DR. JIM VASZAUSKAS, AND	§	
DR. KIMBERLY CANTU,	§	
	§	
Defendants.	§	

**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND TIME FOR PLAINTIFF TO FILE
PLAINTIFF’S RESPONSE AND BRIEF TO DEFENDANTS’ RULE 12(b)(6) MOTION
TO DISMISS FOR FAILURE TO STATE A CLAIM, AND SUPPORTING BRIEF**

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

COMES NOW, the Plaintiff, Stacy Bailey, the Plaintiff to the above action, and hereby submits Plaintiff’s Unopposed Motion to Extend Time for Plaintiff to File Plaintiff’s Response and Brief to Defendants’ Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, and Supporting Brief, 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 on October 2, 2018. The current deadline for Plaintiff to file her response and brief is October 23, 2018. Plaintiff seeks an extension to file her response until October 29, 2018.

2.

Plaintiff would show the Court as follows:

Plaintiff’s counsel had to prepare for and attend trial September 17-20, 2018 on Cause

No. 048-281944-15; *Tammy Aston v. City of Fort Worth*.

Plaintiff's counsel had to prepare for and attend trial on September 24-26, 2018 on 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 scheduling conference on October 3, 2018 on Cause No. 067-272343-14; *Jane Doe v. Columbia North Hills Hospital Subsidiary, L.P., Columbia North Texas Subsidiary, GP, LLC, HCA Health Services of Texas, Inc. and Gregory Andre Henderson, Individually, and/or the Entity that Employed Plaintiff as of April 30, 2013*

Plaintiff's counsel filed a vacation letter and was out of the office October 4-9, 2018.

Plaintiff's counsel had to prepare for and attend depositions on October 10, 2018 on Cause No. 067-287764-16; *Sarah E. Daniels v. I-Mag'iNa'tion Center of Learning, Inc. et al.*

Plaintiff's counsel had to prepare for and attend a scheduling conference on October 12, 2018 on Civil Case No. 3:18-cv-01815-S; *Jennifer R. Scott v. Mimedx Group, Inc.*

Plaintiff's counsel had to prepare for and attend a deposition on October 16, 2018 on Cause No. DC-C201700727; *Stephen Morris v. Supreme Corporation and Supreme Corporation of Texas, and/or pursuant to T.R.C.P. 29 whatever entity employed Stephen Morris on July 28, 2016, and Chris Hermann, Individually.*

Plaintiff's counsel had to prepare for and attend a prove up hearing on October 17, 2018, on Cause No. 2018-003288-3; *In Re: B.H.*

Plaintiff's counsel has to prepare for and attend a summary judgment hearing on October 19, 2018 on Cause No. 2017-007749-1; *Jenny Reed v. Loefflers European Automobiles, Ltd., and Joseph Lubczyk, Individually.*

Plaintiff's counsel has to prepare for and attend a hearing on a motion to quash on October 19, 2019 on Cause No. 141-285559-16; *Jane Doe v. Avalon Correctional Services, Inc., Charles Raymond Sprague, Individually*.

Plaintiff's counsel has to prepare for and attend a hearing on October 22, 2018 on Cause No. 017-297801-18; *Kyla Garcia v. Arlington Independent School District*.

Plaintiff's counsel has to prepare and file a response to a plea to the jurisdiction on October 23, 2018 on Cause No. 067-287764-16; *Sarah E. Daniels v. I-Mag'iNa'tion Center of Learning, Inc. et al.*

Plaintiff's counsel had to prepare for and attend depositions on October 23-24, 2018 on 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 and attend a hearing on October 25, 2018 on Cause No. 067-287764-16; *Sarah E. Daniels v. I-Mag'iNa'tion Center of Learning, Inc. et al.*

Plaintiff's counsel has to prepare for and attend mediation October 25, 2018 on TWCCRD Charge No. 1A181269; *Barbara Childress v. City of Richland Hills*.

Plaintiff's counsel has to prepare and file a response to a motion for summary judgment on November 2, 2018 on Cause No. 141-285559-16; *Jane Doe v. Avalon Correctional Services, Inc., Charles Raymond Sprague, Individually*.

Plaintiff's counsel has to prepare for and attend a summary judgment hearing on November 8, 2018 on Cause No. 141-285559-16; *Jane Doe v. Avalon Correctional Services, Inc., Charles Raymond Sprague, Individually*.

Plaintiff's counsel has to prepare and file a response to a motion for summary judgment on November 21, 2018 on Cause No. 141-285559-16; *Jane Doe v. Avalon Correctional Services, Inc., Charles Raymond Sprague, Individually*.

Plaintiff's counsel has to prepare for and attend a summary judgment hearing on November 29, 2018 on Cause No. 141-285559-16; *Jane Doe v. Avalon Correctional Services, Inc., Charles Raymond Sprague, Individually*.

3.

Plaintiff requests additional time to prepare a response to Defendants' Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, and Supporting Brief as it determines is appropriate.

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 her response to Defendants' Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim, and Supporting Brief until October 29, 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 October 18, 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 October 18, 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