

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, <i>et al</i>	§	
DEFENDANTS	§	

DEFENDANTS’ MANSFIELD INDEPENDENT SCHOOL DISTRICT, DR. JIM VASZAUSKAS, AND DR. KIMBERLY CANTU’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE DEFENDANTS’ REPLY BRIEF IN SUPPORT OF DEFENDANTS’ RULE 12(b)(6) MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

TO THE HONORABLE SAM LINDSAY, UNITED STATES DISTRICT JUDGE:

Defendants Mansfield Independent School District, Dr. Jim Vaszauskas, and Dr. Kimberly Cantu, hereinafter collectively “the Defendants,” and without waiving any defenses they may have under the Federal Rules of Civil Procedure, file this their Unopposed Motion for an Extension of Time to File Defendants’ Reply Brief in Support of Defendants’ Rule 12(b)(6) Motion to Dismiss. In support thereof, Defendants respectfully would show the Court as follows:

1. On November 2, 2018, Plaintiff Stacy Bailey filed her Brief in Support of Plaintiff’s Response to Defendants’ Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim and Brief in Support. The current deadline for Defendants to file their reply brief is November 16, 2018. Defendants seek an extension to file their reply until November 30, 2018.

2. The undersigned attorneys of record have several pending litigation matters and transactional documents with deadlines set for this week before the current deadline, including:

a. The preparation for and briefing of a motion for en banc reconsideration due by November 16, 2018 in the Fort Worth Court of Appeals on *Reider v. Meeker*,

No. 02-17-00176-CV, 2018 WL 5074703 (Tex. App.—Fort Worth, Oct. 18, 2018, no pet. h.); and

- b. Preparation and attendance at a hearing on several dispositive motions in Brown County on November 28, 2018, on Cause No. CV-10-02-049-A, *Arma Lee Crow, James Albert Crow, and Sandra Ford v. Peggy Joyce Ruth, James A. Ruth, and William Ruth v. The Ruby and Annie Smith Family Partnership*.

3. The extension requested is based in part on the upcoming Thanksgiving holiday, which will limit available time for attorneys and staff next week. Further, each of the undersigned attorneys of record have had family illnesses which have limited our time to work on the reply. An extension to November 30, 2018 will enable Defendants' attorneys to devote appropriate time to the reply.

4. The undersigned counsel for Defendants requested an agreement with Mr. Smith, counsel for Plaintiff, that the deadline for filing the reply and brief by Defendants would be extended to November 30, 2018, and Mr. Smith agreed to the request.

5. This request is not sought for purposes of delay but so that justice may be served.

6. Defendants therefore request this agreed extension of time to file a reply and brief in support of Defendants' Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim in order to give counsel for the Defendants adequate time to prepare and file the reply and brief at a time which would not interfere with Plaintiff's or Defendants' counsels' time conflicts and/or the Thanksgiving holidays.

WHEREFORE, PREMISES CONSIDERED for the reasons stated, Defendants Mansfield Independent School District, Dr. Jim Vaszuaskas, and Dr. Kimberly Cantu respectfully request the Court grant an extension for the Defendants to file a reply and brief in support of Defendants' Rule

12(b)(6) Motion to Dismiss for Failure to State a Claim on or before November 30, 2018; and that Defendants have such other further relief to which they may be justly entitled.

Respectfully submitted,

/s/ Thomas E. Myers

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

I spoke to plaintiff's counsel on November 8th about this motion and plaintiff's counsel agreed to the request and had no objection to it.

/s/ Thomas E. Myers

Thomas E. Myers

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2018, copies of this pleading were served upon counsel for Plaintiff using the court's CM/ECF system which will provide a notice of electronic filing to the following counsel of record:

Jason Smith
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Via Electronic Delivery:
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/s/ Thomas E. Myers

Thomas E. Myers

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VS.

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

ORDER

Before the court is Defendants Mansfield Independent School District, Dr. Jim Vaszauskas, and Dr. Kimberly Cantu's Unopposed Motion for Extension of Time to file Defendants' Reply Brief in Support of Defendants' Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim. The unopposed motion is **granted**, and Defendants' deadline to file its reply and brief is extended to **November 30, 2018**, as requested.

It is so ordered this ___ day of November 2018.

Sam A. Lindsay
United States District Judge