

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

STACEY 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 ANSWER OR OTHERWISE RESPOND TO PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE SAM LINDSEY, 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 Federal Rule of Civil Procedure Rule 12, file this their Unopposed Motion for an Extension of Time to File Their Original Answer, or to Otherwise Respond to Plaintiff’s Original Complaint. In support thereof, Defendants respectfully show the Court as follows.

1. On May 8, 2018, Plaintiff Stacey Bailey filed her Original Complaint in this proceeding.
2. On May 15, 2018, Plaintiff’s counsel Jason C.N. Smith, served a Notice of Lawsuit and Request for Waiver of Service of Summons on each of the Defendants through their former attorneys, Leasor Crass, P.C. On the Defendants’ behalf, that firm signed the Waiver of Service of Summons and returned it to Plaintiff’s counsel. Under the terms of the Waiver of Service of Summons, Defendants were provided with 60 days after May 15, 2018 to file responsive pleadings under Federal Rule of Civil Procedure 12.

3. The undersigned counsel of record was then retained by Defendants to represent them in this matter and has spoken with Plaintiff's counsel concerning his request that no answer or responsive documents be filed by the Defendants and served upon him while he is out of town on a pre-planned family vacation. Defendants are in agreement with Plaintiff's counsel's request. Further, counsel for Defendants has also scheduled a pre-planned family vacation which would end upon the normal date for the filing of responsive pleadings, July 15, 2018, and is also scheduled for a pre-paid continuing legal education seminar during the last week of July, 2018, and an out-of-town trip the first week of August, 2018. The undersigned counsel for Defendants therefore requested an agreement with Mr. Smith that the deadline for any responsive pleadings filed by Defendants would be extended to August 10, 2018, and he was in agreement.

4. Defendants therefore request this agreed extension of time to answer or otherwise respond to Plaintiff's Complaint in order to give counsel for the Defendants adequate time to prepare and file responsive pleadings at a time which would not interfere with Plaintiff's or Defendants' counsels' vacation and/or continuing legal education seminar.

5. Counsel for Plaintiff does not object to this Motion.

WHEREFORE, PREMISES CONSIDERED for the reasons stated, Defendants Mansfield Independent School District, Dr. Jim Vaszuaskas, and Dr. Kim Cantu respectfully request the Court grant an extension for the Defendants to answer or otherwise respond to Plaintiff's Complaint on or before August 10, 2018; and that Defendants have such other further relief to which they may be justly entitled.

Dated this 28th day of June 2018.

Respectfully submitted,

/s/ Thomas E. Myers

Thomas E. Myers

State Bar No.14765450

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

On May 30, 2018, the undersigned counsel for Defendants Mansfield Independent School District, Dr. Jim Vasquaskas, and Dr. Kim Cantu conferred with Jason Smith, counsel for Plaintiff, regarding relief requested in this Motion. Counsel for Plaintiff stated that Plaintiff does not oppose the relief requested.

/s/ Thomas E. Myers
Thomas E. Myers

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2018, a copy of this pleading was 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 of consent in writing to accept this notice of service of this document by electronic means:

Jason C.N. Smith
Law Offices of Jason Smith
600 Eighth Ave
Fort Worth, TX 76104

Via Electronic Service

/s/ Thomas E. Myers
Thomas E. Myers