

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

| | | |
|-------------------------------|---|------------------------|
| ASHLEY DIAMOND, |) | |
| |) | |
| Plaintiff; |) | CIVIL ACTION FILE NO.: |
| |) | |
| vs. |) | 5:20-CV-453-MTT |
| |) | |
| TIMOTHY WARD, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

UNOPPOSED MOTION TO EXTEND ANSWER DEADLINE

Pursuant to Fed. R. Civ. P. 6(b), Defendants Timothy Ward, Sharon Lewis, Javel Jackson, Ahmed Holt, Robert Toole, Benjamin Ford, Jack Sauls, Brooks Benton, Grace Atchison, Lachesha Smith, and Rodney Jackson (hereinafter, collectively, “Defendants”)¹ hereby request a seven-day extension of the deadline to file their answer to Plaintiff’s amended complaint, through and including March 9, 2021, for the following reasons.

1. On November 23, 2020, Plaintiff initiated this action, pursuant to 42 U.S.C. §1983, in the United States District Court for the Northern District of Georgia. Doc. 1. Plaintiff’s initial complaint was 105 pages in length and contained 367 paragraphs of allegations. *Id.*
2. On December 1, 2020, the case was transferred, *sua sponte*, to this Court. Docs. 9-10.
3. On February 16, 2021, Defendants timely filed their answer to Plaintiff’s initial complaint. Doc. 35. Less than five hours later, Plaintiff filed an amended complaint. Doc. 36.
4. The amended complaint contains 399 paragraphs to which Defendants must respond, thirty-two more paragraphs than the initial complaint. *See* Doc. 1; *compare* Doc. 36. In

¹ One Defendant in this action, Arneika Smith, is represented by separate counsel and is not joining in this motion.

addition to adding new paragraphs to the complaint, it appears the amended complaint contains multiple minor alterations to the allegations made in the initial complaint. *See, e.g.*, Doc. 1, ¶11 *and compare* Doc. 36, ¶11 (adding the words “kidney function issues and” to the prior allegation); *see* Doc. 1, ¶13 *and compare* Doc. 36, ¶13 (adding the words “in part” to the prior allegations); *see* Doc. 1, ¶15 *and compare* Doc. 36, ¶15 (adding the words “what they” to the prior allegations). Defendants must conduct a line-by-line comparison of the two lengthy complaints to determine what alterations have been made, what impact those changes may have on the parties’ pleadings, and how to respond to those changes.

5. At present, Defendants’ response to Plaintiff’s amended complaint is due on Tuesday, Mach 2, 2021. *See* Fed. R. Civ. P. 15(a)(3).
6. Defendants’ counsel has experienced scheduling conflicts with other cases since Plaintiff filed the amended complaint, including, without limitation, assessing and responding to multiple new lawsuits, preparing for and taking multiple depositions, handling other discovery responsibilities, and preparing and filing motions. As a result of these scheduling conflicts and the length of Plaintiff’s initial and amended complaints, Defendants’ need an additional seven days to assess and respond to Plaintiff’s amended complaint.
7. Accordingly, Defendants request that the Court extend the deadline for them to file their answer by seven days, through and including Tuesday, March 9, 2021.
8. Prior to filing this motion, Defendants’ counsel inquired as to whether any other party would oppose the requested extension of time. Both Plaintiff and Defendant Arneika Smith responded, through their respective counsel, that they do not oppose the requested extension.

WHREFORE, for the foregoing reasons, Defendants request that the Court enter an order extending the deadline for them to file their answer to Plaintiff's complaint through and including March 9, 2021. A proposed order is filed herewith for the Court's consideration.

Respectfully submitted this 26th day of February, 2021.

CHRISTOPHER CARR 112505
Attorney General

PLEASE ADDRESS ALL
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Robert Toole, Benjamin Ford, Jack Sauls,
Brooks Benton, Grace Atchison, Lachesha
Smith and Rodney Jackson*

CERTIFICATE OF SERVICE

I hereby certify that, on this day, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record, including:

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This 26th day of February, 2021.

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[PROPOSED] ORDER

This matter is before the Court on the Unopposed Motion to Extend Answer Deadline filed by Defendants Timothy Ward, Sharon Lewis, Javel Jackson, Ahmed Holt, Robert Toole, Benjamin Ford, Jack Sauls, Brooks Benton, Grace Atchison, Lachesha Smith, and Rodney Jackson. Doc. 37. In their motion, these Defendants seek a seven-day extension of the deadline to file their answer to Plaintiff’s amended complaint. *Id.* Having reviewed Defendants’ motion and finding that good cause has been shown, the Court hereby **GRANTS** Defendants’ motion. The deadline for Defendants Ward, Lewis, J. Jackson, Holt, Toole, Ford, Sauls, Benton, Atchison, L. Smith, and R. Smith to file their answer is hereby extended through and including March 9, 2021.

SO ORDERED, this ____ day of _____, 2021.

MARC T. TREADWELL
CHIEF UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF GEORGIA