

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEFENSE DISTRIBUTED, ET AL.,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF
STATE, ET AL.,

Defendants.

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1-15-CV-372 RP

ORDER

Before the Court are the Individual Defendants’ Opposed Motion for Six-Day Extension of Time to Respond to Plaintiffs’ Amended Complaint, filed September 1, 2015 (Clerk’s Dkt. #53); and Plaintiffs’ Opposition to “Individual Capacity” Defendants’ Motion for Extension of Time, filed September 1, 2015 (Clerk’s Dkt. #54). By way of the motion, Defendants Kenneth Handelman, Edward Peartree, Sarah Heidema, and Glenn Smith (“Individual Defendants”) request an extension of time to respond to Plaintiffs Amended Complaint, filed August 21, 2015 (Clerk’s Dkt. #47).

The Individual Defendants request six additional days to file a responsive pleading. They assert the extension is necessary to allow (1) adequate time for the individual defendants’ counsel to adequately research and present a response to Plaintiffs’ revised claims; and (2) adequate time for review within the U.S. Department of Justice.¹

Plaintiffs are not opposed in general to an extension of time.² Rather, their opposition focuses on the conflicts in counsel’s schedule in the next month which they contend will make it impossible for them to timely respond to the motion to dismiss they anticipate the Individual

¹ The Court notes this case was originally filed on May 6, 2015. A preliminary injunction hearing was held on July 6, 2015.

² In fact, Plaintiffs suggest, but have not affirmatively moved, for a stay of all proceedings in this case based on the pending interlocutory appeal of the denial of their motion for a preliminary injunction.

Defendants will file. According to Plaintiffs, the parties have attempted to reach an amicable agreement, but have failed to do so. Plaintiffs indicate a “more workable” deadline for any response by them would be October 16, 2015.

Accordingly, the Court hereby **GRANTS** the Individual Defendants’ Opposed Motion for Six-Day Extension of Time to Respond to Plaintiffs’ Amended Complaint (Clerk’s Dkt. #53). The Individual Defendants’ responsive pleading to Plaintiffs’ Amended Complaint is due **on or before September 8, 2015**. Any response Plaintiffs deem necessary to that pleading is due **on or before October 16, 2015**.

SIGNED on September 2, 2015.



ROBERT L. PITMAN
UNITED STATES DISTRICT JUDGE