

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

THOMAS C. PORTA, et al.,)	
)	
and)	
)	
ANDREW D. BARTH, et al.,)	No. 05-14210C
)	& No. 05-759C
Plaintiffs,)	
)	CONSOLIDATED
v.)	
)	(Judge Firestone)
THE UNITED STATES,)	
)	
Defendant.)	

DEFENDANT'S UNOPPOSED MOTION FOR AN ENLARGEMENT OF TIME

Pursuant to RCFC 6(b), defendant requests an enlargement of time of 30 days in this case, to and including December 1, 2006, within which to complete fact discovery. Pursuant to the Court's scheduling order on May 24, 2006, fact discovery in this case is presently scheduled to end on November 1, 2006. The close of fact discovery in the related case of Moreno v. United States, No. 05-142C (Fed. Cl.), is scheduled to end on December 1, 2006. Plaintiffs' counsel has indicated that he does not oppose this motion for an enlargement of time.

The Government responded to plaintiffs' written discovery requests on July 17, 2006, and supplemented its responses to plaintiffs' interrogatories on August 4, 2006. However, the parties continue to attempt to resolve plaintiffs' discovery concerns in this case and in Moreno as expressed by plaintiffs' counsel in a letter sent by electronic mail on September 18, 2006, and in the recent status conference in Moreno. The parties

are actively attempting to identify the remaining issues of fact and law, and narrow or clarify the scope of plaintiffs' prior discovery requests such that the Government can locate and produce any additional potentially relevant non-privileged documents, or respond otherwise. In addition, because of plaintiffs' concerns regarding the Government's prior discovery responses, prior tentative deposition dates in Moreno were rescheduled and will now take place on November 1, 2006, through November 3, 2006. No depositions have been noticed in this case, but we anticipate that plaintiffs' counsel would evaluate the necessity and scope of depositions in this case soon after the Moreno depositions. The additional time requested is required in this case to allow sufficient time for the parties to resolve their discovery disputes without the Court's assistance, if possible.

For the foregoing reasons, we respectfully request that the Court grant this unopposed motion for an enlargement of time.

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

DAVID M. COHEN
Director

s/ Kathryn A. Bleecker
KATHRYN A. BLEECKER
Assistant Director

s/ Jeffrey S. Pease
JEFFREY S. PEASE
Trial Attorney
Commercial Litigation Branch
Civil Division
Department of Justice
Attn: Classification Unit
8th Floor
1100 L Street, NW
Washington, D.C. 20530
Tel: (202) 353-7991
Fax: (202) 514-8624

October 26, 2006

Attorneys for Defendant

CERTIFICATE OF FILING

I hereby certify that on this 26th day of October 2006, a copy of the foregoing "DEFENDANT'S UNOPPOSED MOTION FOR AN ENLARGEMENT OF TIME" was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Jeffrey S. Pease