

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ANDREW D. BARTH, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 05-759C
	)	(Judge Futey)
THE UNITED STATES,	)	
	)	
Defendant.	)	
	)	

DEFENDANT'S MOTION FOR AN ENLARGEMENT OF TIME TO RESPOND TO FIRST AMENDED COMPLAINT


Pursuant to United States Court of Federal Claims Rule 6.1, defendant, the United States, respectfully requests an enlargement of time of 90 days, from September 16, 2005, through and including December 15, 2005, to respond to plaintiffs' first amended complaint ("complaint") in this action. This is defendant's first request for an enlargement of time for this purpose. The legal assistant for plaintiffs' counsel has advised undersigned counsel that plaintiffs' counsel would not oppose a 30-day enlargement of time. Undersigned counsel requested that she recheck with plaintiffs' counsel regarding the proposed 90-day enlargement. However, at the time of the execution of this motion, we have received no response to that request. We have left a voicemail with plaintiff's counsel of record advising him that we would be seeking the full 90 days.

This is a multi-plaintiff overtime compensation case. Plaintiffs filed an amended complaint on September 6, 2005,

SEP 16 2005

discovery issues to be filed by the Government on or before

  
KATHRYN A. BLEECKER  
Assistant Director

  
RICHARD P. SCHROEDER  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice  
Attn: Classification Unit  
Eighth Floor  
1100 L Street, N.W.  
Washington, D.C. 20530  
Tele: (202) 305-7562

Attorneys for Defendant

September 15, 2005

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 15<sup>th</sup> day of September 2005, I caused to be sent by FEDERAL EXPRESS, copies of the "MOTION FOR AN ENLARGEMENT OF TIME TO RESPOND TO FIRST AMENDED COMPLAINT", addressed as follows:

Michael P. Baranic  
GATTEY BARANIC LLP  
2445 Fifth Avenue, Suite 350  
San Diego, CA 92101  
Tel: (619) 232-8142

S. Boyd