



Legal Document

United States Court of Federal Claims
Case No. 1:04-cv-00036-CCM
ATLANTIC CITY ELECTRIC COMPANY, v. USA

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IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ATLANTIC CITY ELECTRIC COMPANY,)	
)	
Plaintiff,)	
)	
v.)	No. 04-0036C
)	(Judge Futey)
THE UNITED STATES,)	
)	
Defendant.)	

DEFENDANT'S UNOPPOSED MOTION FOR AN ENLARGEMENT OF TIME

Pursuant to Rule 6(b) of the Rules of the United States Court of Federal Claims ("RCFC"), defendant, the United States, respectfully requests that the Court grant an enlargement of seven days, to and including May 12, 2004, within which defendant may file its response to plaintiff's complaint in this case. Defendant's response to that complaint is currently due on May 5, 2004. The Court has previously granted the Government enlargements of time totaling 51 days for this purpose. Counsel for plaintiff's representative, David Nadler, has represented that plaintiff does not oppose this motion.

Counsel for defendant had anticipated that the Government would file a response to the complaint in this case today, but, unfortunately, counsel for defendant was absent from the office on May 3 and 4, 2004, because of illness, and returned to the office this morning. Accordingly, he has not been able to complete the response to the complaint. Further, because of previously scheduled obligations, he does not have time to complete the response immediately. In response to the status

conference that was held in approximately 45 of the most recently filed spent nuclear fuel cases (including this one) on Friday, April 30, 2004, the parties are to file with the Court a report summarizing the parties' positions at the conference by Friday, May 7, 2004. In addition, by May 7, 2004, defendant must file an answer and a proposed discovery schedule in another case, Southern Nuclear Operating Co. v. United States, No. 98-621C (Fed. Cl.) (Merow, S.J.); responses to complaints in Exelon Generation Company LLC v. United States, No. 04-102C (Fed. Cl.), and Exelon Generation Company, LLC v. United States, No. 04-104C (Fed. Cl.); and Joint Preliminary Status Reports in three other spent nuclear fuel cases. Further, on Monday, May 10, 2004, responses to five additional spent nuclear fuel complaints are due, along with the Government's reply briefing on four separate substantive motions *in limine* in Yankee Atomic Electric Co. v. United States, No. 98-126C (Fed. Cl.). Because of this work, and to allow counsel for defendant to attempt to perform the work necessary despite his unexpected absence from the office, defendant respectfully requests that the Court grant this request for an additional seven-day enlargement of time.

For the foregoing reasons, we respectfully request that the Court grant our motion for an enlargement.

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

s/ David M. Cohen
DAVID M. COHEN
Director

OF COUNSEL:

JANE K. TAYLOR
MARTHA S. CROSLAND
Office of General Counsel
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

s/ Harold D. Lester, Jr.
HAROLD D. LESTER, JR.
Assistant Director
Commercial Litigation Branch
Civil Division
Department of Justice
Attn: Classification Unit
8th Floor
1100 L Street, N.W.
Washington, D.C. 20530
Tele: (202) 305-7562
Fax: (202) 307-2503

May 5, 2004

Attorneys for Defendant

CERTIFICATE OF FILING

I hereby certify that on this 5th day of May 2004, a copy of 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/Harold D. Lester, Jr.