

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

_____)	
LOUISE RAFTER., et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 14-740C
)	(Judge Sweeney)
THE UNITED STATES,)	
)	
Defendant.)	
_____)	

JOINT MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO AMENDED COMPLAINT, TO PERMIT PLAINTIFFS TO FURTHER AMEND THE COMPLAINT, AND THE ADOPTION OF SCHEDULE

Pursuant to Rules 6(b), 6.1 and 15(a) of the Rules of the United States Court of Federal Claims, the parties respectfully request that the Court enlarge the deadline for defendant’s response to plaintiffs’ Verified Amended Complaint (the “Complaint”), permit plaintiffs to further amend the Complaint, and adopt the schedule for such amendment, if any, and briefing the response thereto set forth below.

Pursuant to an order dated October 10, 2014 (ECF No. 9), the Court granted defendant’s unopposed motion to extend the time for filing a response to plaintiffs’ complaint until 60 days after the completion of jurisdictional discovery in *Fairholme Funds, Inc., et al. v. United States*, No. 13-465C. Because the *Fairholme* jurisdictional discovery period ended on December 31, 2015, defendant’s response to the Complaint is currently due 60 days later, on February 29, 2016. However, while the *Fairholme* jurisdictional discovery period has ended, the *Fairholme* plaintiffs have filed a pending Motion to Compel (No. 13-465C, ECF No. 270).

Good cause exists to grant an enlargement of the February 29, 2016 deadline in order to provide plaintiffs with an opportunity to amend the Complaint, if necessary, once the Motion to Compel pending in *Fairholme* is resolved, to permit defendant sufficient time to respond, and to coordinate the schedule for amended pleadings and responsive briefing in this case with the schedule proposed in the *Fairholme* case, in a January 28, 2016 joint status report filed in that case (No. 13-465C, ECF No. 288).

The parties therefore respectfully request that the Court adopt in this case the schedule proposed in the January 28, 2016 joint status report in *Fairholme* and grant leave for defendant to file an omnibus motion to dismiss as described therein. Accordingly, the parties request that the Court adopt the following schedule:

1. Plaintiffs may file a second amended complaint no later than 45 days after the Court's resolution of *Fairholme* plaintiffs' pending Motion to Compel (No. 13-465C, ECF No. 270), unless the Court should permit further discovery by the *Fairholme* plaintiffs.
2. Defendant's omnibus motion to dismiss will be due 120 days after the expiration of the period for filing the second amended complaint.
3. Plaintiffs will file their response to defendant's omnibus motion to dismiss no later than 90 days following the filing of that motion.
4. Defendant will file a reply in support of its omnibus motion no later than 90 days following the deadline for filing of responses to the motion.

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Date: February 25, 2016

Respectfully submitted,

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