

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

TONI R. DONAHUE, et al.,

Plaintiffs,

v.

SAM BROWNBACK,

Defendant.

Case No. 18-CV-2055-CM-GLR

MEMORANDUM AND ORDER

Before the Court is Defendant's Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Petition (ECF 9).¹ Defendant's answer is currently due July 9, 2018. Defendant requests an extension to July 23, 2018, in part because of the July 4 holiday and in part because of needing more time to answer the complaint. Plaintiff opposes the motion (ECF 10). Plaintiff argues the July 4 holiday is not good cause for an extension and that Defendant has already received a clerk's fourteen-day extension (ECF 7). After considering both parties' arguments, the Court grants the motion.

Pursuant to Fed. R. Civ. P. 6(b)(1), the Court may, for good cause, extend time to answer a complaint, if the request is made before the original deadline expires. In this case Defendant's answer or other responsive pleading to Plaintiff's complaint is due on July 9, 2018. Defendant filed his motion for extension of time on June 28, 2018. Thus, because the motion was timely, Defendant must show only good cause for his request.² Courts should liberally construe Fed. R. Civ. P. 6(b)(1) to advance the goal of trying each case on the merits.³ Courts "should normally

¹ Although the motion addresses Plaintiff's Complaint (ECF 1), Plaintiff has filed an Amended Complaint (ECF 4).

² *Rachel v. Troutt*, 820 F.3d 390, 395 (10th Cir. 2016).

³ *Id.* at 394.

grant extension requests, made before the deadline, in the absence of bad faith by the requesting party or prejudice to another party.”⁴

Defendant’s request for an extension of time is based in part on the July 4 holiday, including the number of staff who have taken the holiday and additional days off, recognizing that the holiday was in the middle of the week, and the amount of time it has taken to go through Plaintiff’s claims in order to adequately answer them. Plaintiff’s amended complaint comprises at least 56 paragraphs and 21 pages of allegations. In her response Plaintiff fails to show any prejudice that could result by the brief extension requested by Defendant. Accordingly, the Court finds Defendant has shown good cause under Fed. R. Civ. P. 6(b)(1) and grants the motion.

IT IS THEREFORE ORDERED BY THE COURT that Defendant’s Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff’s Petition (ECF 9) is **granted**. Defendant may answer or otherwise respond to Plaintiff’s Amended Complaint on or before July 23, 2018.

IT IS SO ORDERED.

Dated July 9, 2018, at Kansas City, Kansas.

S/ Gerald L. Rushfelt
Gerald L. Rushfelt
U.S. Magistrate Judge

⁴ *Id.*