

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOANNA CASTRO,
PLAINTIFF

V.

ALBERT SALINAS,
DEFENDANT

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CIVIL NO. 5:18-CV-00312-DAE

DEFENDANT’S UNOPPOSED MOTION TO EXTEND
DEFENDANT SALINAS’ DEADLINE TO FILE ORIGINAL ANSWER

COMES NOW Defendant SALINAS (“Defendant”) and, in the above numbered and entitled cause of action, and hereby files this Unopposed Motion to Extend Defendant’s Deadline to file his Original Answer to Plaintiff’s Second Amended Complaint, and would respectfully show the following:

**I.
Background**

1. Plaintiff filed her Original Complaint on April 26, 2018. [Dkt. 1].
2. Subsequent to Defendant Salinas filing a Motion to Dismiss [Dkt 3], Plaintiff filed an Amended Complaint. [Dkt.4].
3. On July 2, 2018, Defendant filed a Motion to Dismiss Plaintiff’s Amended Complaint [Dkt. 5].
4. The parties held a Rule 26(f) conference and filed their Joint Report and Proposed Scheduling Order on July 27, 2017 [Dkt. 9]. The Scheduling Order was entered on August 2, 2018. [Dkt. 10].

5. On December 17, 2018, the Court issued its ruling, denying Defendant's Motion to Dismiss Plaintiff's First Amended Complaint. [Dkt. 13].

6. Defendant filed a motion, requesting an extension of approximately ten (10) days to January 9, 2019 due to staff shortages during the Christmas and New Year's season. [Dkt. 15]. The Court issued a Text Order granting said motion on December 19, 2018.

7. Plaintiff's counsel was served undersigned counsel with the Plaintiff's Second Amended Complaint, adding City of Olmos Park ("City") and Rene Valenciano ("Valenciano") as Defendants, via email correspondence on December 19, 2019. [Dkt. 17]. Undersigned counsel accepted service for the new Defendants via email correspondence on the same date. Defendants City and Valenciano filed their Waivers of Summons on January 3, 2019, thereby providing the deadline to file their Answer on February 18, 2019. [Dkt. Nos. 18 & 19].

8. Defendant Salinas is requesting an extension to February 18, 2019, not for delay, but only for good cause, so that all Defendants can file their Answer at the same time.

9. Therefore, Defendant Salinas requests an extension until February 18, 2019 to file Defendant's Original Answer to Plaintiff's Second Amended Original Complaint.

10. This is request for additional time is not sought for purposes of delay, but to see that justice is done.

II. AUTHORITY

11. Federal Rule of Civil Procedure 6 provides that when an act may or must be done within a specified time, the court may, for good case, extend the time (a) with or without motion or notice, if the Court acts, or if a request is made, before the original time or its extension expires. *See* Rule 5(b), Fed. R. Civ. Proc.

CERTIFICATE OF CONFERENCE

12. The undersigned conferred with Plaintiff's counsel via email correspondence, dated January 3, 2019. **Exhibit A.** Plaintiff's Counsel agreed to the extension.


ADOLFO RUIZ

**III.
CONCLUSION**


For these reasons, Defendant Salinas asks the Court to enlarge the time to file his Original Answer to Plaintiff's Second Amended Original Complaint until February 18, 2018.

SIGNED this 3rd day of January, 2019.

Respectfully submitted,

DENTON NAVARRO ROCHA BERNAL & ZECH
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BY:


PATRICK C. BERNAL
State Bar No. 02208750
ADOLFO RUIZ
State Bar No. 17385600
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served in accordance with the Federal Rules of Civil Procedure on this 3rd day of January, 2019, to the following:

Millie L. Thompson
Law Office of Millie L. Thompson
1411 West Ave., Ste. 100
Austin, Texas 78701

E-NOTIFICATION



PATRICK C. BERNAL
ADOLFO RUIZ

F:\Castro, J v Salinas TML (45233)\Pleadings\Drafts\Def Salinas Mtn to Extend Answer Ddln 2019 0103.docx

From: [Millie Thompson](#)
To: [Adolfo Ruiz](#)
Cc: [Cindy Olivari](#); [Marlena Guajardo](#)
Subject: Re: Castro v. Salinas, et al.
Date: Thursday, January 03, 2019 11:41:11 AM

Hi Adolfo,

I'm happy to extend you every professional courtesy. So long as that new date does not delay our engaging in discovery, I can agree. If it would delay discovery, I am opposed.

I hope you and yours had a great holiday.

On Wed, Jan 2, 2019 at 5:25 PM Adolfo Ruiz <adolfo.ruiz@rampage-sa.com> wrote:

Millie: Would you be willing to agree to filing the Answer for Officer Salinas at the same time we file an Answer for the City of Olmos Park and Chief Valenciano. Should be around February 17th.

Please let me know. Thanks.



A Professional Corporation

Adolfo Ruiz

Senior Associate

2517 N. Main Avenue

San Antonio, Texas 78212

(210) 227-3243

**Exhibit
A**

(210) 225-4481 (Fax)

Email: adolfo.ruiz@rampage-sa.com

www.rampagelaw.com

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In Resistance,

Millie L. Thompson, Attorney

Phone: (512) 293-5800 * Fax: (512) 682-8721

Please Note Our New Address 1411 West Avenue, Ste. 100, Austin, Texas 78701

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